

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.922 of 2019

Arising Out of PS. Case No.-498 Year-2018 Thana- SIWAN CITY District- Siwan

Seraj Hussain, Son of Late Sahabuddin Under the Guardianship of her Mother
Namely Mazidan Khatoon, Resident of Village - Purani Kila Pokhara, P.S.-
Siwan Town, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Respondent/s : Dr. Ajeet Kumar

For the Informant : Mr. Krishan Kant Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-02-2020 Heard learned counsel for the petitioner and learned
counsel for the informant as well as State.

Petitioner in the present case is a juvenile and is seeking his release from the observation home in connection with Siwan Town P.S. Case No.498 of 2018 under Section 302/120B I.P.C. and Section 27 of the Arms Act. His prayer for release was earlier rejected by the learned Juvenile Justice Board and appeal preferred before the 1st Additional Sessions Judge-cum-Special Judge, Siwan also came to be dismissed.

Learned counsel for the petitioner submits that this petitioner is not named in the FIR, however, the name of the petitioner has been brought in this case on the information said to have been furnished by the Spy and thereafter in the



confessional statement of the co-accused Shamshad Ali. Shamshad Ali has been granted bail by a learned coordinate Bench of this Court. It is submitted that so far as this petitioner is concerned, not only that he is a juvenile, the social investigation report discloses that he has got interest in study, he was a student of inter-college at Siwan, the family has no criminal background, but the petitioner seems to have got involved because of his association with the bad people. Learned counsel submits that the father of the petitioner is ready to furnish an undertaking that if released from the observation home the father shall ensure that the petitioner does not fall in the hand of the bad associates and he would continue his study. Learned counsel submits that at this stage the petitioner is required to be reunited with his family and allowed to continue his study.

Learned counsel for the informant has though opposed the prayer but is unable to demonstrate that the case of this petitioner stands on a different footing from that of the co-accused. Learned counsel submits that he is conscious of the legal position that in case of juvenile the bail is a rule and refusal is exception and that refusal is also, in the interest of the child. He has, however, submitted that the learned court below



has found that his release would not be in his interest.

Considering the facts and circumstances of the case particularly that the co-accused have already been granted regular bail and petitioner is a juvenile and nothing has been brought to the notice of this Court to demonstrate that his case stands on a different footing and further the social investigation report also indicates that the petitioner has interest in his study and he was studying in intermediate college at Siwan, he has remained in observation home for over one year and father of the petitioner who has got no criminal antecedent is ready to give an undertaking that henceforth he will ensure that the petitioner does not fall in bad association and he would continue his study, let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Siwan in connection with J.E. Tr.No.254/18 arising out of Siwan Town P.S.Case No.498 of 2018.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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