

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.998 of 2019

Arising Out of PS. Case No.-471 Year-2018 Thana- DUMRAO District- Buxar

SUBHAM KUMAR Son of Hari Shankar Prasad @ Hari Shankar Prasad
Resident of Village - Purana Bhojpur, P.S.- Dumroan, Distt – Buxar under the
guardianship of his father Hari Shankar Prasad, R/o village – Pnroma
Bhojpur, P.S. Dumroan, District Buxar, R/o village Siari, P.S. Simari, District
– Buxar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Sri Ram Sah Son of Late Ram Ekbal Sah Resident of Village - Purana
Bhojpur, P.S.- Dumroan, Distt - Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey, Advocate
For the Respondent/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 23-01-2020 Heard learned counsel for the revisionist-petitioner
and learned counsel for the State.

The revisionist-petitioner has preferred the present
revision application against the order dated 24.05.2019 passed
by learned Additional District & Sessions Judge - 1st cum
Special Judge, Buxar in Child Case No. 2 of 2019 whereby the
petitioner has been denied to be released on regular bail in
connection with Dumaron (Naya Bhojpur) P.S. Case No. 471 of
2018 for the offence registered under Sections 366A and 376 of
the Indian Penal Code and Section 4 of the POCSO Act.

Learned counsel for the revisionist- petitioner has



submitted that in view of the fact that it had already been held that the petitioner was juvenile vide order dated 04.05.2019, learned counsel for the revisionist-petitioner submits that while rejecting the bail application of the petitioner, the Court below failed to appreciate that the petitioner was juvenile and, therefore, ought to have released him on bail or at best be placed under the guardianship of fit person in a fit institution. Learned counsel for the revisionist-petitioner, thus, prays that since the revisionist-petitioner has already been in custody since 29.12.2018, he may be released on bail.

Having heard learned counsel for the revisionist and after perusal of the entire facts and the records having been perused, it appears that the revisionist-petitioner has been languishing in jail for one year and the Court ought to have appreciated the question of juvenility while considering his application. It is, accordingly, directed that the revisionist petitioner, namely, Subham Kumar be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge 1st cum Special Judge, Buxar in connection with Child Case No. 2/2019 arising out of Dumaron (Naya Bhojpur) P.S. Case No. 471 of 2018.



It is further directed that one of the bailors shall be the father of the revisionist-petitioner, who at the time of filing of the bond shall give an undertaking that he will take good care of the revisionist-petitioner and in case the revisionist-petitioner avoids paying heed to his advice, he would report the matter forthwith to the officer-in-charge of the concerned police station.

With the aforesaid observations and directions, the present revision application stands disposed off and the lower court records be sent down to the court below for further adjudication.

(Anjana Mishra, J)

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