

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1014 of 2019

Arising Out of PS. Case No.-135 Year-2019 Thana- MIRGANJ District- Gopalganj

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RANA KUMAR @ RANA @ ROHIT @ ROHIT KUMAR Son of Santosh
Singh Resident of Village - Matihani, Madho, P.S.- Mirganj, Dist.- Gopalganj.
Under the Guardianship of his father namely Santosh Singh

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Respondent/s : Mr.Manoj Kumar, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 31-08-2020 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner as well as
learned counsel for the State.

The present application has been filed by the
petitioner for setting aside the judgment dated 19.07.2019
passed in Cr. Appeal No. 61 of 2019 by learned Addl. Sessions
Judge, 1st Gopalganj affirming the order dated 27.06.2019
passed by the Juvenile Justice Board, Gopalganj in J.E.M. No.
69/2019, arising out of Mirganj P.S. Case No. 135 of 2019
registered under Section 392 of the Indian Penal Code and
section 27 of the Arms Act.

Learned counsel for the petitioner submits that the



petitioner has been declared a juvenile as per the order passed by the J.J.B., Gopalganj in JE No. 69/2019 vide its order dated 27.06.2019 wherein he has clearly held the petitioner to be a juvenile and therefore in view of the provisions of Section 12 of the J.J. Act, 2015, the petitioner ought to have been released on bail. He further submits that Social investigation report has also been submitted by the Investigating Officer in which there is no adverse report as against the petitioner. It is further submitted that the order impugned is passed without appreciating the aforementioned fact and therefore the petitioner be released in favour of his father, who shall keep him under his care and protection and produce him as and when required. Similarly situated co-accused Mannu Kumar Mishra @ Mannu Mishra has already been released on bail by a bench of this Court vide order dated 14.2.2020, passed in Cr.Rev.No. 1013 of 2020.

Having heard learned counsel for the petitioner and counsel appearing on behalf of the State and taking into consideration the fact that the name of the petitioner surfaced in the confessional statement made before the police and particularly because the social investigation report does not indict him otherwise, the petitioner, a juvenile is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge, 1st , Gopalganj in connection with J.E.M. No. 69/2019, arising out of Mirganj P.S. Case No. 135/2019, in favour of his father, who shall keep him under his guardianship and produce him as and when required and also subject to the condition that one of the bailors of the petitioner shall be his father who at the time of filing of the bonds, shall also give an undertaking that he will take proper care of the petitioner and in case the petitioner does not act as per his advice, he shall report the matter to the Officer-inCharge of the concerned police station and further during the period of bail, the petitioner will be under the supervision of concerned Probation Officer.

In the result, the revision application is allowed and the impugned order dated 19.07.2019 is set aside.

(Prabhat Kumar Singh, J)

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