

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.1205 of 2019**

Arising Out of PS. Case No.-241 Year-2018 Thana- UDAKISHUNGANJ District-
Madhepura

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Pradeep Kumar @ Pradeep Bhagat Son of Late Kailash Bhagat Resident of
Village-Gopalpur Goth, Ward No.7, P.S-Udakishunganj, District-Madhepura
under Guardianship Pramod Bhagat, Son of Late Kailash Bhagat, Resident of
Village-Gopalpur Goth, Ward No.7, P.S.-Udakishunganj, District-Madhepura.
... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate
For the Respondent/s : Mr.Umesh Lal Verma, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 21-09-2020 Heard learned counsel for the petitioner and Mr.
Umesh Lal Verma, learned APP for the State.

Petitioner, in the present case, is seeking setting aside
the order dated 07.08.2019 passed by learned 1st Additional
Sessions Judge – cum – Special (Juvenile), Madhepura in Cr.
Appeal No. 27 of 2019 (arising out of Uda-Kishunganj P.S.
Case No. 241 of 2018) for offence under Sections 364, 302, 34
of the Indian Penal code and the order passed by learned Court
of J.J. Board, Madhepura in connection with J.J.B. Case No. 06
of 2019 (arising out of Uda-Kishunganj P.S. Case No. 241 of
2018).

Learned counsel for the petitioner submits that the
petitioner has been adjudged a juvenile aged about 16 years 26



days only at the time of the alleged occurrence. As per the prosecution story, on 11.08.2018 in the evening informant's younger brother Charanjeet Kumar along with Pintu Kumar was sitting at Machan of villager Maheshwar Sharma. At about 6:00 P.M. two persons came there on a motorcycle on the Atta Chakki Mill of Maheshwar for crushing of the maize and said both motorcycle rider were sitting on Machan and showing video in mobile to the children. It is alleged that after some time both persons asked Charanjeet and Pintu to follow them towards school then would show some good video. On this Charanjeet and Pintu seated on motorcycle with both the persons who took them near the canal beside the Kadam tree and as both the persons started doing some wrong/illegal thing with Charanjeet and Pintu, both the boys protested. It is alleged that both persons killed Charanjeet after pressing his neck and then they tied hands and legs of Pintu and throw him in water in Naya Nagar and thereafter fled away. Somehow Pintu opened his hand and proceeded by foot and reached village Bhawanpur where he meet with Suresh Paswan brother of Mangal Chowkidar who informed the family member of Pintu through mobile. Then informant along with Mukhiya and villagers reached Bhawanpur and after inquiry Pintu narrated about the alleged



occurrence. Thereafter the dead body of Charanjeet was recovered.

Learned counsel submits that there is no eye witness of the alleged occurrence. Nobody has seen the occurrence except the victim Pintu Kumar and in paragraph '59' of the case diary the statement of the Pintu Kumar has been recorded but he has not named this petitioner. Learned counsel further submits that as per the prosecution story a dark/black colour small person size miscreant had killed the deceased Charanjeet by pressing his neck but it has come in the social investigation report also that the petitioner is of fair complex. During investigation the petitioner has been arrested on the basis of the confessional statement of co-accused Nitish Kumar who has confessed that he had killed the deceased but till date petitioner has not been put on TI Parade and therefore the Pintu has not identified this petitioner.

It is, thus, submission of learned counsel for the petitioner that the involvement of the petitioner is based on mere suspicion. In this connection he has also drawn attention of this court towards the report of the Probation Officer of the Juvenile Justice Board who has met several villagers and came to know from them that this petitioner is a simple boy having cordial



relations with all and he earns livelihood for himself and his old aged mother. The villagers have stated before the Probation Officer that this petitioner is not involved in the alleged occurrence.

The petitioner is said to be in observation home since 29.09.2018.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but after going through the materials collected in course of investigation by the I.O. and the social investigation report which has been received by this Court, it has been noticed that there is no eye witness to the alleged occurrence and the description of the petitioner does not tally with the description given by Pintu of the person who had allegedly pressed the neck of deceased Charanjeet. The social investigation report is very categorical. The Probation Officer has recorded that so far as this petitioner is concerned the villagers have stated that he was not involved in the alleged occurrence, he is earning his own livelihood and taking care of his old aged mother and he has otherwise no bad habits, considering all these aspects of the matter and the petitioner is in observation home for last two years and also considering the spirit of Section 12 of the Juvenile Justice (Care and Protection



of Children) Act, 2015, this Court sets-aside the impugned order and directs the petitioner to release on bail furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Madhepura, in connection with J.J.B. Case No. 06 of 2019 (arising out of Uda-Kishunganj P.S. Case No. 241 of 2018).

The mother of the petitioner shall give an undertaking that she will take care of the education of the petitioner and shall not allow him to fall in bad company. The Child Probation Officer shall also keep on visiting the residence of the petitioner and will submit a periodical statement in this regard to Juvenile Justice Board, Madhepura.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

