

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
Criminal Revision No.1306 of 2019

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Aftab Khan, aged about 17 years, Male, son of Shamshul Haq @ Samsulhaq Khan under guardianship of Shamshul Haq @Samsulhaq Khan, aged about 64 years, made son of Raj M. R/o- Village Sekhpura (Shekhpura), P.S.Basantpur, District-Siwan

Petitioner

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Versus

The State of Bihar

.....

Opposite party

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**Appearance**

For the Petitioner

: Mr. Satyendra Rai, Adv.

For the State

: Dr. Ajit Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

6 22.05.2020                Heard learned counsel for the petitioner and learned APP  
for the State, through video conferencing.

The instant application has been filed under section 53 of the Juvenile Justice (Care and Protect of Children) Act, 2000 praying therein for setting aside the order dated 12.7.2019 passed by the Juvenile Justice Board, Siwan in J.E.No.150 of 2019 (arising out of Basantpur P.S. Case No.59 of 2019) as also for setting aside the order dated 30.8.2019 passed in Cr. Appeal No.42 of 2019 by the learned Additional District and Sessions Judge-1<sup>st</sup>-cum-Special Judge, Siwan and for release of the petitioner on bail.

As per allegation in the F.I.R., on secret information having been received, when the police personnel reached the place of occurrence, two persons who were standing there, made an attempt to escape. One of them was caught and disclosed his name as Aftab Khan, the petitioner herein. On search a loaded pistol was rec



It is submitted by learned counsel for the petitioner that by order dated 11.7.2019 (Annexure-2) in J.E.No.150 of 2019, the learned Juvenile Justice Board, Siwan declared the petitioner to be a juvenile. However, erroneously, it rejected the application for bail which was also upheld in appeal preferred by the petitioner. It is further submitted that the allegation of recovery from the petitioner is incorrect and he has been falsely implicated in the case. The petitioner who is a juvenile has no criminal antecedent and is in custody since 3.3.2019.

The application for bail is opposed by learned APP for the State.

Heard learned counsel for the petitioner and learned APP for the State and I have also gone through the records of the case including the social investigation report of the Probation Officer.

From perusal of the report it transpires that the father of the petitioner has stated that on the petitioner being enlarged on bail he will be taking steps to ensure that the petitioner does not fall in bad company again.

Taking into consideration the above facts including the fact that the petitioner who has been declared a juvenile has no criminal antecedent and is in custody since 3.3.2019, this Court is inclined to enlarge the petitioner on bail.

The orders dated 12.7.2019 passed by the Juvenile Justice Board, Siwan in J.E.No.150 of 2019 arising out of Basantpur P.S. Case No. 59 of 2019 as also order dated 30.8.2019 passed in Cr. Appeal No. 42 of 2019 by Sri Manoj Kumar Tiwari, learned Additional District and Sessions Judge-1<sup>st</sup> -cum-Special Judge,



Siwan are both set aside and the petitioner is directed to be enlarged on bail in connection with Basantpur P.S. Case No. 59 of 2019 (J.E.No.150 of 2019) on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Siwan. It is further directed that one of the bailors shall be the father of the petitioner.

**(Partha Sarthy, J)**

**Bibhash**

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