

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.1313 of 2019**

Arising Out of PS. Case No.-358 Year-2019 Thana- BUXAR District- Buxar

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Seraj Sidique @ Seraj Siddiqui Under the guardianship of his father namely
Md. Akhtar Ali, Resident of Village- Badki Sarimpur, P.S.- Buxar (T),
District- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Respondent/s : Mr.Md. Mushtaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 17-06-2020 Petitioner in the present case is a juvenile. He is seeking to challenge the order dated 11.09.2019 passed by learned Additional Sessions Judge-1st-cum-Special Judge, Buxar in Cr. Appeal No.58 of 2019 whereby he has been pleased to affirm the order dated 23.07.2019 passed by learned Principal Magistrate, Juvenile Justice Board, Buxar rejecting the prayer for bail of the petitioner.

The petitioner is an accused in Buxar P.S. Case No.358 of 2019 dated 25.04.2019 registered under Section 25(1-B)a/26 of the Arms Act which has been instituted on the basis of the statements of Sub-Inspector of Police, Buxar. It is alleged that when the motorcycle of the petitioner was intercepted, the petitioner was arrested while trying to flee away. On search of



his person, one automatic country made pistol with a magazine and four live cartridges were recovered.

Learned counsel for the petitioner submits that the petitioner has been declared juvenile as on the date of the alleged offence the petitioner was a little over 15 years of age. He has remained in observation home for 14 months and it is his contention that considering that it is a case registered under the Arms Act, petitioner has remained in custody for 14 months and his mother is ready to give an undertaking that if released on bail the petitioner will not be allowed to come in contact with any bad element in the society and she will take care of him and his study, this Court may allow the privilege of bail to the petitioner. It is his submission that considering the scheme of the Juvenile Justice (Care and Protection) Act, 2015 re-union of the petitioner with his family should be preferred than keeping him in the institutional observation.

Learned counsel for the State has opposed the prayer for bail of the petitioner. It is submitted that the petitioner is an accused in another case being Buxar (Muffasil) P.S. Case No.212 of 2018 in which he was released on bail.

After hearing learned counsel for the petitioner and learned APP for the State as also upon perusal of the records and



noticing that the petitioner is a juvenile and on the alleged date of occurrence he has been adjudged 15 years and 15 days old only as also that he has remained in custody in connection with this case for 14 months and his mother is ready to give an undertaking that if released on bail she will keep eyes on the petitioner and would not allow him to come in contact with any criminal element in the society and also take care of his study, giving an opportunity to the petitioner to reform himself, this Court directs his release on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Buxar in connection with Buxar (T) P.S. Case No.358 of 2019, subject to the undertaking to be given by mother of the petitioner. The petitioner will be kept under the supervision of the Probation Officer.

This application stands allowed.

(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'.

