

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1582 of 2019

Arising Out of PS. Case No.-88 Year-2017 Thana- JAMALPUR District- Munger

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Akash Kumar @ Akash Paswan, Son of Karu Paswan @ Pratap Paswan, Resident of Village- Lakshmanpur, Jagdishpur, P.S.- Jamalpur, District- Munger, Under Guardianship and natural guardianship and representative of his mother namely Savitri Devi, aged about 44 Years, Gender- Female, W/o Karu Paswan @ Pratap Paswan, Resident of Village- Ward No. 36, Laxmanpur, P.S.- Jamalpur, District- Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Rabi Bhushan, Advocate
For the State : Ms.Rina Sinha, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 04-02-2020 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

2. The present revision application has been preferred against the order dated 15.11.2019 passed in Jamalpur P.S. Case No.88 of 2017 (J.J.B. No.150 of 2018), registered under Sections 392, 302, 326 of the Indian Penal Code, by Sri Anurag Kumar Tiwari, learned Special Judge (Children Court)-cum-Additional Sessions Judge-I, Munger, whereby and whereunder the prayer for bail of the petitioner has been rejected.

3. Learned counsel for the petitioner submits that the revision petitioner Akash Kumar @ Akash Paswan is a



juvenile in need of care and protection, who has been incarcerated for a period of 32 months. Learned counsel for the petitioner submits that the name of the petitioner has surfaced only on the basis of hearsay statement of other persons and the petitioner has been declared to be a juvenile vide order dated 18.02.2019 in J.J.B. No.150 of 2018. Learned counsel further submits that under the provisions of Section 12 of the J.J. Act, the petitioner is entitled to be released on bail in favour of his mother Savitri Devi since his father, namely, Karu Paswan @ Pratap Paswan is a handicapped. He thus submits that under the provisions of the Act, if released in favour of his mother, she will ensure that the juvenile is produced at all relevant dates in the court below and the trial will not be prejudiced in any manner.

4. Considering the aforementioned facts and circumstances, let the above named petitioner, a juvenile, 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 Sri Anurag Kumar Tiwari, learned Special Judge (Children Court)-cum-Additional Sessions Judge-I, Munger, in connection with Jamalpur P.S. Case No.88 of 2017 (J.J.B. No.150 of 2018), in favour of his mother, who shall keep him



under her 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 mother who at the time of filing of the bonds, shall also give an undertaking that she will take proper care of the petitioner and in case the petitioner does not act as per her advice, she shall report the matter to the Officer-in-Charge of the concerned police station and further during the period of bail, the petitioner will be under the supervision of concerned Probation Officer.

5. In the result, the revision application is allowed and the impugned order dated 15.11.2019 is set aside.

(Anjana Mishra, J)

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