

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.104 of 2021

Arising Out of PS. Case No.-237 Year-2019 Thana- BUXAR District- Buxar

Chhedi Yadav @ Sanjay Kumar Singh, under the guardianship of his father,
namely, Karpuri Yadav @ Raj Kumar Singh, Resident of Village - Nai Bazar,
Akarauda, P.S.- Buxar (Town), District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner : Mr.Rajeev Ranjan, Advocate
For the State : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 12-03-2021

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 31.08.2020 passed in Cr. Appeal No.24 of 2020 by learned Additional Sessions Judge 1st-cum-Children Court, Buxar as well as the order dated 02.03.2020 passed in J.J.B. Case No.610 of 2019, arising out of Buxar (Town) P.S. Case No.237 of 2019 by the learned Principal Magistrate, J.J.B Court, Buxar, whereby and whereunder the learned Additional Sessions Judge and the learned Principal Magistrate have rejected the bail of the petitioner for the offences punishable under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27 of the Arms



Act and Section 3(2)(V) of the SC/ST Act.

3. Informant's brother-in-law (*Devar*) was selling eggs. It is alleged that all the accused persons came there and started abusing the *Devar* of the informant, which was objected by him. Petitioner-Chhedi Yadav has thereafter fired upon him, leading to his death.

4. The petitioner's counsel submits that it is a case of false implication. The petitioner was declared a Juvenile by the Juvenile Justice Board, Buxar, vide order 20.01.2020. Implication of the petitioner is based on prior enmity of the informant with the petitioner. No independent person has seen or supported the incident. In view of the provisions contained in Section 12 of the J.J.Act, having regard to the age of the petitioner at the time of the alleged occurrence being less than 15 years, the petitioner is entitled to be released on bail.

5. The social investigation report, which had earlier been called for, takes note of the fact that the petitioner's father is ready and willing to give an undertaking regarding supervision and responsibility of the petitioner. Without appreciating these factors, the petitioner's prayer for release on bail has been rejected by the learned Children Court, Buxar in Cr.Appeal No.24 of 2020 as well as by the learned Principal



Magistrate, Juvenile Justice Board Court, Buxar in J.J.B. Case No.610 of 2019. The petitioner is already on bail in Buxar (Town) P.S. Case No.534 of 2017. He is in custody in connection with the present case since 15.03.2019.

6. Having considered all facts and circumstances and also that the petitioner has been in custody for about two years, 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 the learned Principal Magistrate, J.J.B. Court, Buxar, in connection with J.J.B Case No.610 of 2019 arising out of Buxar (Town) P.S. Case No.237 of 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-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.

7. In the result, the revision application is allowed



and the impugned orders dated 31.08.2020 and 02.03.2020 are
set aside.

(Madhuresh Prasad, J)

PNM

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	

