

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.26 of 2020**

Arising Out of PS. Case No.-360 Year-2017 Thana- TEKARI District- Gaya

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FANTUSH NUTT @ FANTUSH KUMAR NUTT S/o Nakul Nutt Under guardianship of his mother Urmila Devi, aged about-52, W/o Nakul Nutt Resident of Village- Hagdhar, P.S.- Tekari, Distt- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Vinod Kumar, Adv.

For the Respondent/s : Mr.Kumar Veerendra Narayan, APP

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

5      19-02-2021                      Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in this case is juvenile who is seeking to challenge the judgment and order dated 20.11.2018 passed by Sri Birendra Kumar Mishra, learned Special Judge (Children's Court) Gaya in Criminal Appeal No.74/19 (C.I.S.) as well as order dated 23.08.2019 passed by learned Principal Judge, Juvenile Justice Board, Gaya in connection with Tekari P.S. Case No.360/2017 under Section 302, 120(B)/34 of the Indian Penal Code. By the impugned orders the prayer for regular bail of the petitioner has been rejected.

Learned counsel for the petitioner submits that there are general allegations against the father of this petitioner and



other family members, the dispute seems to have taken place on account of land dispute and nobody has seen the alleged occurrence. Learned counsel submits that the co-accused who are brothers of this petitioner have been granted regular bail in Cr.Misc.No.35848/2018 and Cr.Misc.No.15888/2019.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein there are general allegations against the father of this petitioner and other family members, the dispute seems to have taken place on account of land dispute, nobody has seen the alleged occurrence, the co-accused who are brothers of this petitioner have been granted regular bail in Cr.Misc.No.35848/2018 and Cr.Misc.No.15888/2019, the petitioner has been adjudged juvenile and on the alleged date of occurrence he was about 14 years of age, the date of birth of the petitioner being 16.08.2003, he has remained in observation home for almost one and half year, this Court sets aside the impugned orders.

Let the above-named petitioner be released on bail on 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, Gaya in connection with Tekari P.S. Case No.360/2019. The parents of the juvenile shall furnish an undertaking that on release from the observation home the parents shall ensure that he continue with his study as also that the parents shall keep full vigil on the juvenile and they would also ensure that the juvenile/petitioner does not fall in any bad company and in case of any adverse development the same shall be reported to the Juvenile Justice Board, Gaya.

The Probation Officer shall keep on visiting the residence of the petitioner and submit his observations/report to the Juvenile Justice Board, Gaya periodically.

This application is, thus, 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'.

