

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.132 of 2021**

Arising Out of PS. Case No.-360 Year-2019 Thana- MAIRWAN District- Siwan

PRITHVI KUMAR @ PRITHVI KUMAR YADAV @ PRITHVIRAJ
YADAV SON OF DINESH KUMAR YADAV R/o village- Harnathpur, P.S.-
Mairwa, District- Siwan. Under the guardianship of his father Dinesh Kumar
Yadav

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary,Advocate
For the Respondent/s : Mr.Zainul Abedin,APP

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

3 04-10-2021 Heard learned counsel for the petitioner and Mr. Zainul
Abedin, learned APP for the State.

The petitioner in the present case is seeking setting aside of the impugned order dated 18.09.2020 passed by the learned Juvenile Court-Cum 1st Additional District and Sessions Judge-cum-Special Judge, Siwan in connection with Cr. Appeal No. 16 of 2020 whereby and whereunder prayer for refusing bail of the appellant vide order dated 14.08.2020 passed by learned Juvenile Justice Board, Siwan passed in G.R. No. 5017 of 2019, Juvenile Trial No. 134 of 2020 arising out of Mairwa Police Station Case No. 360 of 2019 for offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act was affirmed.

Learned counsel for the petitioner submits that as per the prosecution story, the elder daughter of the informant was married with one Chandan Verma about 20 years ago. They had no issue out



of the wedlock and the son-in-law of the informant was assaulting his daughter whereafter his son-in-law left the daughter of the informant in the house of the informant. The FIR alleges that said Chandan Verma was threatening the informant and his family for a long time. On 27.12.2019 at about 06:30 P.M., the second son of the informant, namely, Pintu Verma was getting phone on his mobile repeatedly whereafter he left for the market but did not return. Later on, the informant came to know about a dead body and when he went there he found that it was the dead body of his son.

Learned counsel for the petitioner submits that the petitioner is not named in the First Information Report. The name of the petitioner has transpired later on in the confessional statement of the co-accused extracted in police custody. It is, however, his submission that nothing has been recovered from the possession of the petitioner and the petitioner has been adjudged a juvenile. The petitioner is said to be aged about 16 years 5 months 9 days on the alleged date of occurrence. He is in the Juvenile Home since 04.06.2020.

Learned counsel for the petitioner submits that the learned Juvenile Justice Board as well as the Children Court has refused to enlarge the petitioner on bail on the ground that the petitioner has got three criminal antecedents. It is, however, his submission that in all the three cases, the petitioner is not named and he has been falsely implicated after his alleged involvement in the present case.



Learned counsel has further submitted that so far as the social investigation report of the petitioner is concerned, there is nothing adverse in the social investigation report. The neighbours of the petitioner have not complained against him. The petitioner is said to be student of intermediate class in R.A.S.N. College, Kishunpur, Siwan. It is lastly submitted that the father of the petitioner is ready to give an undertaking that if released on bail, the petitioner shall not be allowed to come in contact of any bad element.

Learned APP for the State has opposed the prayer for bail of the petitioner. Learned APP submits that there is a confessional statement of the co-accused as well as that of this petitioner and a reading of that would show that the petitioner was involved in the alleged occurrence in which the second son of the informant was killed. He is said to be an associate of Chandan Verma. According to the confessional statement of co-accused Himanshu Singh, Himanshu had fired upon the deceased.

Having regard to the facts and circumstances of the case wherein this petitioner is said to be a juvenile and his name has transpired in the confessional statement of the co-accused, he is not the assailant and further that the social investigation report does not record any adverse opinion about the petitioner, his father is also ready to give an undertaking that if released on bail, the petitioner shall not be allowed to come in contact with any bad element, this Court sets aside the impugned order and directs release of the



petitioner above named 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, Siwan in connection with G.R. No. 5017 of 2019, Juvenile Trial No. 134 of 2020 arising out of Mairwa P.S. Case No. 360 of 2019. One of the bailors should be the father of the petitioner and he will also furnish an undertaking that while on bail he would not allow the petitioner to come in contact with any anti-social element or a person of criminal antecedent.

The Probation Officer shall keep on visiting the place of the petitioner and shall submit periodical report to the Juvenile Justice Board, Siwan as regards the conduct of the petitioner.

The application stands disposed of accordingly.

(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'.

