

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.127 of 2021

Arising Out of PS. Case No.-206 Year-2019 Thana- SHEKHPURA District- Sheikhpura

ATUL KUMAR, S/o Binod Bihari, R/o Mohalla- Shivpuri, Barbigha, P.S.-
Barbigha, District- Sheikhpura, under the guardianship of his mother namely
Meera Devi, aged about 45 years, wife of Binod Bihari

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Dr. Amarendra Kumar, Advocate
For the Respondent/s : Mr.B.N.Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 26-03-2021 Heard learned counsel for the petitioner and Mr.
B.N.Pandey, learned A.P.P. for the State.

Petitioner in the present case is seeking setting aside
the order dated 06.10.2020 passed by learned Additional
Sessions Judge-I, Sheikhpura in Criminal Appeal No. 06 of
2020 and also the order dated 14.05.2020 passed by learned
Juvenile Justice Board, Sheikhpura in G.R. No. 501 of 2019
arising out of Sheikhpura P.S. Case No. 206 of 2019.

Learned counsel for the petitioner submits that as per
the prosecution story the brother of the informant was working
in a courier office near the place of occurrence. It is alleged in
the F.I.R. that in course of committing loot in the courier office
the brother of the informant has been killed. The F.I.R. is against



unknown.

Learned counsel submits that the uncle of this petitioner is inimical to him and for that reason he has been involved in two cases being Barbigha P.S. Case No. 295 of 2017 under Section 386 of the Indian Penal Code and Mehush P.S. Cases No. 06 of 2019 under Sections 25(1-b)(a) and 26 of the Arms Act. In both the cases the petitioner has been granted bail.

Learned counsel further submits that the petitioner has been made accused in this case in course of investigation of Sheikhpura P.S. Case No. 206 of 2019 in course of investigation of the present case on the basis of a confessional statement extracted from the petitioner. It is submitted that save and except the confessional statement there is no other material much less any looted material recovered from the possession of the petitioner.

It is submitted that the petitioner has been declared juvenile by the learned Juvenile Justice Board, Sheikhpura vide order dated 22.01.2020. A copy of the order has been brought on record as Annexure '2' to the present application.

It is submitted that the petitioner has been found aged about 15 years 7 months only, therefore, he has to be tried before the Juvenile Justice Board. It is submitted that the



petitioner has remained in observation home for almost two years and considering that the maximum punishment which may be inflicted/imposed upon a juvenile who is aged below 16 years, this Court may consider the prayer for bail of the petitioner.

By filing a supplementary affidavit the father of the petitioner has submitted that he is an employee of Central Reserve Police Force in the rank of Havildar and is presently posted in Jammu & Kashmir. Earlier he was posted under 13th Battalion CRPF, Punjab, the petitioner was pursuing his education at Shradhanand High School, Barbigaha where he was a student of Class IX before his remand in Mehush P.S. Case No. 06 of 2019. Father of this petitioner who is deponent has undertaken to get the petitioner admitted at Chandigarh in Kendriya Vidyalaya or any other school at Chandigarh wherever possible after his release from the remand home. He has shown his anxiousness to the future career of the petitioner and undertakes to take all necessary possible steps for his betterment.

Mr. B.N. Pandey, learned A.P.P. for the State has though opposed the prayer for bail of the petitioner, however, having noticed that the petitioner has been adjudged juvenile



and has been found aged below 16 years, therefore, he has to be tried before the Juvenile Justice Board, learned A.P.P. submits that in such case the prayer of bail of the petitioner may be considered in accordance with law.

Having regard to the facts and circumstances of the case and the kind of materials noticed hereinabove, this Court considers it appropriate to follow the spirit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 which prefers reunion of a juvenile with the family rather than keeping him in an institutional care home. The father of the petitioner is a member of the Force in CRPF and is undertaking that he will take the petitioner to Chandigarh and will ensure his admission in a school wherever possible. Considering this aspect particularly that the father is in service and in a better position to take care of the education and career of the petitioner who is still a juvenile, this Court feels that it would be in the best interest of child to reunite him with his family. Accordingly, this Court sets aside the impugned orders 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, Sheikhpura in connection with



Sheikhpura P.S. Case No. 206 of 2019 corresponding to G.R.
No. 501 of 2019.

With condition that one of the bailors should be the father of the petitioner who will also furnish an undertaking that once released on bail the petitioner will be taken to Chandigarh and will be admitted in a school wherever possible and further that the father of the petitioner will take care of the future of the petitioner so as to make him a better person in the society.

The Probation Officer shall keep on visiting the native place of the petitioner and submit periodical information to the Juvenile Justice Board. As and when required the petitioner will participate in course of enquiry.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

