

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.173 of 2021**

Arising Out of PS. Case No.-91 Year-2019 Thana- GURARU District- Gaya

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SUDHIR KUMAR @ SUDHIR KUMAR SINGH Through his father and Natural guardian namely Manager Singh @ Manager Singh Kurmi, Resident of Village- Jasauli, P.S.- Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amir Alam, Adv.

For the Respondent/s : Mr.Navin Kumar Pandey, APP

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

7 15-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is a juvenile. He is seeking setting aside of the order dated 8th June, 2020 passed in Cr.Appeal (Juvenile) 27/2020 (C.I.S.) passed by learned Special Judge (Children Court), Gaya as well as order dated 19.03.2020 passed in NDPS 45/19/Misc.43/20 passed by learned J.J. Board, Gaya arising out of Guraru P.S. Case No.91/2019 for the alleged offence under Sections 308, 307, 353 and 427/34 of the Indian Penal Code and Sections 8, 20(b), ii(c) 25/29 of NDPS Act by which the learned court of J.J. Board, Gaya as well as learned Appellate Court, Gaya have been pleased to reject the prayer for bail of the petitioner.



Learned counsel for the petitioner submits that as per the prosecution story the petitioner was one of the persons sitting inside the Scorpio from which 270.435 kgs of ganja has been seized. The said Scorpio has in order to escape dashed the police vehicle and got over-turned. The petitioner was apprehended on the spot.

Learned counsel further submits that though the petitioner has got criminal antecedents of three cases as stated in paragraph '3', he is on bail in all the above cases.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. Learned APP submits that in a case of juvenile the court acts on the principle of *parens patriae* and it becomes the best friends of the juvenile to take care of. In this case, the social investigation report of the petitioner Child In Conflict with Law (CICL) mentions that he has fallen in bad company. He has left his studies and there is no control of his parents over him, therefore if released on bail at this stage he is likely to get involved in more and more offence.

Considering the facts and circumstances of the case, the manner in which the petitioner was found in the Scorpio and apprehended with his associates carrying 270.435 kgs of ganja and he has got three criminal antecedents and further that the



social investigation report states that if the petitioner is allowed bail he may fall in bad company, this Court is not inclined to interfere with the impugned order. In the opinion of this Court his stay in the observation home for the present is in his interest.

This application is, thus, dismissed.

If the father of the petitioner comes forward with some undertaking to keep the petitioner with himself and to not allow him to fall in any bad company in future and that he shall be persuaded to continue with this study, the prayer for bail of the petitioner may be renewed after three months.

(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'.

