

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.194 of 2021**

Arising Out of PS. Case No.-452 Year-2018 Thana- CHANPATIA District- West Champaran

RAJESH RAM, Son of Madan Ram, Resident of Village - Badharwa, Murgiya Tola, P.S. - Chanpatiya Sirisiya O.P., Dist.- West Champaran through his father and natural guardian, Madan Ram, aged about 80 years, Male S/O Raghuni Ram, Resident of Village - Badharwa, Murgiya Tola, P.S. - Chanpatiya Sirisiya O.P., Dist.- West Champaran. Petitioner

Versus

The State of Bihar Respondent

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Ram Sumiran Rai, A.P.P.

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

5 16-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr Ram Sumiran Rai learned A.P.P. for the State.

Petitioner in the present case is seeking to set aside the order dated 11.02.2020 passed by learned 1st Additional District and Sessions Judge (SC/STPOCSO), West Champaran at Bettiah in connection with B.P. No. 3957 of 2019 arising out of Chanpatiya Sirisiya P.S. Case No. 452 of 2018 (Special Case No. 08 of 2019 arising out of J.J.B. Case No. 464 of 2019) registered for the offences punishable under Sections 302,201,120(B),392, 412/34 of the Indian Penal Code whereby and whereunder his prayer for regular bail was rejected.



Learned counsel for the petitioner submits that as per the prosecution story, his son had gone with this petitioner for transporting and unloading the sand by the tractor. His son, however, did not return and his mobile was found closed. On the next day, he along with his co-villagers and relatives started searching out his son and reached near Jogiya Tola Chowk where he was told by some of the other tractor drivers who were engaged in transportation of sand that yesterday night at about 8.00 P.M. his son was seen with this petitioner. Thereafter, the informant reached to this petitioner and asked about his son. This petitioner, it is alleged that disclosed to the informant that he along with the co-accused Rajeshwar Ram and Mithun had called the son of the informant in the name of selling of the sand, thereafter they snatched away the tractor and killed the son of the informant.

Learned counsel for the petitioner submits that the informant says in the beginning that his son had gone telling that he was going with this petitioner but on the next day the informant did not contact the petitioner rather according to him he went to Jogiya Tola Chowk in search of his son where some other tractor drivers told him that his son was seen with this petitioner. Thus, it is the submission of learned counsel for the



petitioner that the initial statement of the informant that his son had gone with this petitioner is only a concocted statement.

Learned counsel further submits that in the present case, the F.I.R. was lodged on 01.11.2018 but the same reached to the court of learned Additional Chief Judicial Magistrate V at Civil Court, Bettiah (West Champaran) on 17.11.2018. Thus, there is an inordinate delay of about 16 days in sending the F.I.R. which shows that after recovery of the dead body of the son of the informant, a case has been registered with an afterthought.

Learned counsel further submits that in any case this petitioner has been adjudged juvenile. He has further informed that the only thing which may go against the petitioner is that during stay in the observation home he had absconded twice but then he had not committed any offence during the period and returned himself, thereafter he was provided leave on three occasions and he abided by the period of leave, returned on his own on expiry of leave period, therefore, he has definitely mend his ways and is willing to be a law compliant.

Learned counsel further submits that the petitioner has stayed in observation home for two years by now after his surrender on 18.06.2019 but till date the charge has not been



framed.

Mr. Ram Sumiran Rai, learned A.P.P. for the State has opposed the prayer for bail of the petitioner as according to him, if released on bail, the petitioner may indulge in commission of offence again.

Considering the facts and circumstances of the case, the above-mentioned submission of learned counsel for the petitioner including the period of delay in sending of the F.I.R., there being no eye witness to the alleged occurrence and the report received from the learned trial court is showing that the charge has yet not been framed, keeping in view, the spirit of Section 12 of the Juvenile Justice (Care & Protection of Children) Act, 2015 and taking note of submission of learned counsel for the petitioner that the father is willing to give an undertaking that if released on bail he will ensure that the petitioner does not fall in bad company and he remains connected in the mainstream of the society, this Court sets aside the impugned order and direct the petitioner 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 1st Additional District and Sessions Judge (SC/STPOCSO), West Champaran at Bettiah in connection



with B.P. No. 3957 of 2019 arising out of Chanpatiya Sirisiya P.S. Case No. 452 of 2018 (Special Case No. 08 of 2019 arising out of J.J.B. Case No. 464 of 2019), with condition that one of the bailor should be the father of the petitioner who will also give an undertaking that after release of the petitioner on bail he will not allow to fall in bad company and if any such circumstance, the matter will be reported to the Juvenile Justice Board.

The Probation Officer shall keep visiting the place of the petitioner and submit a periodical report to the Juvenile Justice Board.

The application stands disposed of accordingly.

(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'.

