

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.88 of 2020

Arising Out of PS. Case No.-6 Year-2019 Thana- LUTUA District- Gaya

VIKASH KUMAR S/o Kutur Yadav @ Nagendra Yadav under guardianship
of his mother Sushila Devi W/o Nagendra Yadav ,R/o Village- Asrin @
Asurain, P.S.- Lutua, District- Gaya. Petitioner

Versus

The State of Bihar Respondent

Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra, Advocate

For the Respondent/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 08-02-2021 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 dated 05.12.2019 passed by Sri Birendra Kumar Mishra, learned Special Judge (Children's Court) Gaya and order dated 25.09.2019 passed by learned Juvenile Justice Board, Gaya in connection with Lutua P.S. Case No. 06 of 2019, G.R. No. 536 of 2019, Misc. No. 190 of 2019 for the offence punishable under Sections 147, 148, 149, 353, 307, 120(B), 121, 122, 124(a) of the Indian Penal Code and Sections 25(1-B)a, 26, 27, 23, 29 of the Arms Act and Sections 3, 4, 5 of the Explosive Substance Act and Sections 16, 18, 20 of the Unlawful Activities (Prevention) Act. By the impugned orders the prayer for regular bail of the petitioner has been rejected.

Learned counsel submits that the name of this petitioner has transpired in the confessional statement of the co-accused,



however, his name has come as one who was involved in supplying shoes and other food materials to Nexalite group, so far as the present occurrence is concerned, he has not played any role in that.

It is also submitted that in the alleged occurrence no injury has been caused to any police personnel and since the petitioner is a juvenile, considering the facts and circumstances of the case particularly the social investigation report, disclosure in the statement of the neighbours that the petitioner has been falsely implicated in this case the petitioner deserves privilege of regular bail.

Learned APP for the State has though opposed the prayer of regular bail of the petitioner but considering that the petitioner is a juvenile, he has remained in observation home since 04.07.2019, the social investigation report shows that he was engaged in study also and then neighbours statement shows that he has been falsely implicated, the petitioner has not played any role in the alleged occurrence, 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 Lutua P.S. Case No. 06 of 2019, G.R. No. 536 of 2019, Misc. No. 190 of 2019 one of the sureties would be the mother of the juvenile. 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'.

