

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No. 189 of 2020

Arising Out of PS. Case No.-84 Year-2019 Thana- KOPA District- Saran

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IMTIYAJ ALAM @ IMTIYAJ ALI S/o Akhtar Ali @ Akhatar Hussain under guardian of mother namely Madina Khatoon Resident of Village- Anawal, P.S.- Kopa, Distt- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Respondent/s : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-02-2021 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner, who is a juvenile has approached this Court through his mother for his release from remand home where he has been lodged in connection with Kopa P.S. Case No. 84/2019 under Sections 147/148/149/323/324/307/302/34 and 504 of the Indian Penal Code.

As per the prosecution case, co-accused Guddu Azad caught hold of son of the informant then Naushad and Shamsher stabbed knife in abdomen of his son who died during the course of treatment.

It is submitted on behalf that the petitioner has been assessed as juvenile by the Juvenile Justice Board and his age as



on the date of occurrence has been found to be less than seventeen years. It is further submitted that the petitioner has been falsely implicated in this case due to previous enmity and he is in observation since 11.06.2019. Petitioner has got no criminal antecedent.

The present criminal revision application has been filed against the judgement/order dated 13.12.2019 passed by 1st Additional District and Sessions Judge-cum-Child Court, Saran at Chapra, in Criminal Appeal Juvenile No. 42/2019, whereby the order dated 26.08.2019 passed by learned Principal Magistrate, J.J. Board, in J.J.B. Case No. 247/2019 in connection with Kopa P.S. Case No. 84/2019 under Sections 147/148/149/323/324/307/302/504 of the Indian Penal Code, has been affirmed.

There is nothing on record to suggest that if the petitioner is released from the remand home, he is likely to get into the association of known criminals and that his release would expose him to moral, physical and psychological danger thereby defeating the ends of justice.

The petitioner/juvenile is in remand home since 11.06.2019. The mother of the petitioner/juvenile has assured that good care shall be taken of the petitioner.



For the reasons aforesaid, the order dated 26.08.2019 passed by learned Principal Magistrate, J.J.B., Chapra, rejecting the prayer of the petitioner/juvenile for being released from juvenile home as well as order dated 13.12.2019 passed by the 1st Additional District and Sessions Judge-cum-Child Court Saran at Chapra, in Criminal Appeal (Juvenile) 42/2019, affirming the aforesaid order, are set aside.

The petitioner/juvenile, above named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Principal Magistrate, J.J. Board, Saran at Chapra, in connection with Kopa P.S. Case No. 84/2019.

(Prabhat Kumar Singh, J)

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