

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.181 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- PARAIYA District- Gaya

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XX

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Virendra Prasad, Adv.
For the State	:	Mr.Mukesh Kumar Singh, Adv.
For the Informant	:	Mr. Niraj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 16-08-2021 Heard learned counsel for the parties through video conferencing.

Though the petitioner has given full description in the application, it would be inappropriate to disclose his identity in view of the statutory provisions prescribed under section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 ('the Act' in short). He is being referred to in the cause title as XX.

Registry while uploading the order on the website shall also ensure that the cause title is reflected in a similar manner.

The instant revision application has been preferred against the order dated 1.12.2020 passed by the learned Special Judge, Children Court, Gaya in Cr. Appeal no.57 of 2020



whereby the prayer for bail of the petitioner in connection with Paraiya P.S. Case no.183 of 2020 registered under section 308 and other sections of the Indian penal Code to which section 302 of the Indian Penal Code was added subsequently was rejected.

As per the allegations in the F.I.R., the nine named accused persons including the petitioner herein are stated to have come variously armed with lathi, danda etc. and assaulted the brother of the informant leading to his death.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. He has been falsely implicated in the case because of land dispute. The allegations are general and omnibus in nature. By order dated 22.9.2020, the petitioner was declared as juvenile on the date of occurrence. He has remained in detention since 20.8.2020 and has no criminal antecedent.

The application is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but the report of the Probation Officer is also against him.

Having heard learned counsel for the parties and



taking into consideration the facts and circumstances of the case, the submissions made on behalf of the parties together with the petitioner having been declared a juvenile and the ratio of the judgment of this Court in the case of Lalu Kumar and others vs. State of Bihar and others [2019(4) PLJR 833], the instant application is allowed and the order impugned dated 1.12.2020 passed by the learned Special Judge, Children Court, Gaya as also the order dated 12.10.2020 passed by the learned Juvenile Justice Board, Gaya are both set aside.

The petitioner is directed to be enlarged on bail in connection with Paraiya P.S. Case no.183 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Gaya.

The revision application stands allowed.

(Partha Sarthy, J)

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