

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.251 of 2021

Arising Out of PS. Case No.-294 Year-2019 Thana- JANDAHA District- Vaishali

PRINCE KUMAR @ PRINCE KUMAR YADAV Son of Nagina Rai @
Nagina Prasad Resident of Village - Nilkanthpur, P.S. - Mahua, District -
Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

Mr. Abhishek Kumar, Advocate

For the Respondent/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-10-2021 At the outset, Mr. Umesh Chandra Verma, learned counsel for the petitioner informs this court that during pendency of this application one more criminal case has been registered against the petitioner being Mahua P.S. Case No. 629/2019 under Section 392 of the Indian Penal Code. Thus, apart from this case the petitioner has got six criminal antecedents.

Heard learned counsel for the petitioner and Mr. Raj Kishore Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking setting aside the order dated 19.10.2020 passed by learned Exclusive Special Judge, POCSO – cum – A.D.J.-VI, Vaishali at Hajipur whereby and whereunder order refusing bail dated 25.08.2020 passed by learned Juvenile Justice Board, Vaishali at Hajipur in connection



with Jandaha P.S. Case No. 294 of 2019 registered for the offence under Section 393, 302 of I.P.C., later on converted to Section 397/302 I.P.C. and 27 of the Arms Act.

As per the prosecution story, the informant alleged that his brother namely Umashankar Rai was running a C.S.P. of Bank of Baroda at village – Lakshmanpur Hat under Jandaha Police Station. When his brother was returning on motorcycle after withdrawal of Rs. 93,000/- from the Bank, some miscreants overtook him and started loot-paat and shot him dead. On information, the informant reached at the place of occurrence and saw that the dead body of his brother was lying beside the road. In the meantime, police also reached there and on search a cash of Rs. 90,000/- was found in his pocket, thereafter the dead body of the brother of the informant was sent for post-mortem.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, petitioner is not named in the F.I.R. Learned counsel submits that petitioner was remanded on 13.05.2020 from Mahua P.S. Case No. 709/2019 and since then he is in Remand Home.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.



Having regard to the facts and circumstances of the case wherein on perusal of the social investigation report this court has noticed that the father of the petitioner is residing in the State of Orissa, he does not take care of the petitioner and the poor parentage has led to the petitioner falling in the bad company and has got in seven cases, further considering that the Probation Officer has recommended that a rehabilitation scheme is required to be framed against the petitioner, this court is of the considered opinion that the release of the petitioner at this stage is not in the best interest of the petitioner, this court finds no reason to interfere with the impugned order.

The Revision Application stands dismissed.

This Court has been informed by Mr. Verma, learned counsel for the petitioner that the trial is pending in the Children's Court, if it is so, let the trial be expedited.

Learned A.P.P. has returned the case diary.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

