

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25575 of 2021

Arising Out of PS. Case No.-319 Year-2020 Thana- KATIHAR NAGAR District- Katihar

Bikki Choudhary @ Vikky Choudhary @ Vikki Kumar @ Vikki Chaudhar
Son Of Fani Bhushan Choudhary R/O Anathalaya Road, P.S.- Katiha (N),
Dist.- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Soni Srivastava, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2021 Heard Ms. Soni Srivastava, learned counsel for the

petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the

State.

Petitioner, in the present case, is seeking regular bail
in connection with Katihar Sahayak P.S. Case No. 319/2020
registered for the offences under Section 420/120B/500/34 of
the Indian Penal Code. He is in custody since 04.12.2020. He
has got one criminal antecedent in which he is on bail as stated
in paragraph '3' of this application.

Learned counsel for the petitioner submits that in this
case the F.I.R. has been lodged at the instance of the Principal
Magistrate, Juvenile Justice Board, Katihar. The Basis of
lodging of the F.I.R. is letter bearing No. 225 dated 12th June,
2020. Perusal of the said letter would show that the Principal



Magistrate as well as a Member of the Juvenile Justice Board, Katihar informed the Officer-in-Charge of the Police Station that they got a copy of the website of the Hon'ble Supreme Court from District & Sessions Judge, Katihar, and the child in conflict with law as also his father together with his Advocate appeared before the Court. Learned counsel for the juvenile submitted a written complaint of the father of the juvenile in which allegations have been made against the Jail Administration and one convict (this petitioner) of entering into a conspiracy to adversely tarnish the image of the Board as also the interest of the juvenile.

Learned counsel submits that the written application of the father of the juvenile is enclosed with the F.I.R. from which it will appear that this petitioner had been promising the juvenile to arrange for his bail and for that purpose he was asking for the Aadhar Card and some money. It is alleged that by making a wrong e-mail account of the father of the juvenile he has caused loss to the juvenile and family of the juvenile.

Learned counsel for the petitioner submits that a bare perusal of the written application said to have been submitted by the juvenile and his father before the Juvenile Justice Board would show that the allegations therein are completely vague



and baseless. There is no disclosure as to how much money was given by the father of the juvenile to this petitioner.

Learned counsel submits that the background of the matter is that a complaint was sent in the name of the father of the juvenile to the Hon'ble High Court and the Hon'ble Supreme Court alleging that despite grant of bail to the juvenile he is not being released due to non-fulfillment of extraneous consideration. On this, some queries were made by the High Court and after the queries were made the juvenile was released on bail. In this connection, learned counsel has placed before this court a copy of the order dated 02.06.2020 passed in Cr. Appeal (SJ) No. 995 of 2020 by a learned coordinate Bench of this Court wherein the juvenile was granted bail.

Learned counsel submits that there is an issue arising out of this matter that the juvenile Pradum Thakur @ Pradum Kumar was kept in jail and his prayer for bail was made like a regular bail application because he was in jail.

Learned counsel submits that the juvenile was released by the Board on 12th June, 2020, therefore within 10 days of the passing of the order he was released but when the queries were made by this court, the learned Members of the Juvenile Justice Board seems to have taken it otherwise and then



the juvenile and his father gave a complaint and the present F.I.R. has been lodged. Now the parties are said to have entered into a compromise.

Learned A.P.P. for the State is present.

Having regard to the facts and circumstances of the case, at this stage considering that the F.I.R. is not disclosing handing over of any particular amount to the petitioner and further on going through the records, this Court finds that the parties have settled their dispute, permission for compounding of the offence has been sought for by the informant and further that the petitioner has remained in jail in connection with this case since 04.12.2020, this Court directs that the petitioner be enlarged 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 Chief Judicial Magistrate, Katihar in connection with Katihar Sahayak P.S. Case No. 319/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

It is definitely a matter of concern as to how a juvenile was kept in jail premises, however this issue will be dealt in the administrative side.

(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'.

