

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.302 of 2021**

Arising Out of PS. Case No.-363 Year-2020 Thana- SIRDALA District- Nawada

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ROHIT KUMAR Son of Ashok Prasad @ Bhagat Ji Resident of Village-
Meskaur, P.S.- Meskaur, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Sinha 2, Advocate.

For the Respondent/s : Mr. Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-06-2021 Learned counsel for the petitioner undertakes to remove all

the defects pointed out by the Stamp Reporter within four weeks after

start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is juvenile who is seeking
to challenge the order dated 29.01.2021 passed by learned Additional
District and Sessions Judge-1-cum-Special Court, Nawada in Cr.
Appeal (Juvenile) Case No. 22 of 2020 and order dated 27.11.2020
passed by Juvenile Justice Board, Nawada in connection with Sirdala
P.S. Case No. 363 of 2020/G.R. No. 3299 of 2020 for the offence
punishable under Sections 302/34 of the Indian Penal Code. By the
impugned orders the prayer for bail of the petitioner has been rejected.

Learned counsel for the petitioner submits that as per the
prosecution story, the petitioner along with two other unidentified



persons took the son of the informant with him to Ahar and there they killed him and threw his dead body into the water of Ahar.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is juvenile and the Probation Officer in the Social Investigation Report found the behaviour of the petitioner to be very good. The petitioner is in custody since 11.09.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed the submission of learned counsel for the petitioner that on the alleged date of occurrence the petitioner was a little bit more about 14 years of age and in the social investigation report it is stated that everybody has given a very positive statement about the petitioner and in the social investigation report it has transpired that behaviour of the petitioner is very good and this fact has been supported by several co-villagers and women, he is said to be good in study and the people have stated in course of social investigation that the petitioner has falsely been implicated in this case, this Court sets aside the impugned orders and directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional



District and Sessions Judge-1st-cum-Special Court, Nawada in connection with Sirdala P.S. Case No. 363 of 2020/GR 3299 of 2020, one of the sureties would be the father 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, Nawada.

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'.

