

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.290 of 2021**

Arising Out of PS. Case No.-206 Year-2019 Thana- DORIGANJ District- Saran

VIKASH KUMAR Son of Shree Vyas Rai @ Vyas Ray Resident of Village - Singahi, P.S. - Doriganj, District - Saran at Chapra, under the legal Guardianship of his natural mother.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh
For the Respondent/s : Mr.Jagdhar Pd., APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 13-07-2021 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and the State.

The present revision application has been filed on behalf of the petitioner for grant of bail against the order dated 30.03.2020 passed by learned Additional District and Sessions Judge Ist-cum-Juvenile Court, Saran at Chapra in Criminal Appeal (Juvenile) No. 04 of 2020 arising out of Doriganj P.S. Case No. 206 of 2019 registered for the offence punishable under Sections 302, 307, 324, 34 of the Indian Penal Code, whereby the prayer for bail of the petitioner was rejected.

As per the prosecution case, while the informant and his brother were watching a drama programme in the village,



one Vishal Kumar came there and informed them that their father is seriously ill, on such information, both of them left the programme and proceeded towards their house, on the way, all the accused persons named in the FIR surrounded them and started assaulting them with lathi, danda. It is further alleged that co-accused Sipahi Ray attacked informant's brother repeatedly by a dagger and gave several dagger blows and co-accused Sikander Rai also gave repeated dagger blows to him causing injury on his left eye and he fell down.

It is submitted on behalf of the petitioner on the date of the commission of alleged occurrence the petitioner has been found to be aged as 16 years and 24 days according to his date of birth mentioned as 11.10.2003 in the provisional matriculation certificate of the petitioner issued by the Bihar School Examination Board, Patna. On the basis of said matriculation certification, vide order dated 06.01.2020 passed in Juvenile Enquiry Number 01 of 2020 by the learned Juvenile Justice Board, Saran at Chapra, the petitioner has been declared juvenile. From bare perusal of FIR it appears that, no specific role has been attributed against this petitioner. Specific allegation of giving dagger blow to the informant's brother is against other co-accused persons. Similarly situated co-accused



has already been granted bail. Petitioner is having clean antecedent and he is in custody since 02.01.2020. It is further submitted that parent of this petitioner undertakes to take care of this petitioner and his further detention in observation home is not required. Moreover, the report of Probation Officer is based on conjectures and surmises and without any documentary evidence.

Considering the aforesaid facts, this revision application is allowed. The order dated 30.03.2020 passed by learned Additional District and Sessions Judge Ist-cum-Juvenile Court, Saran at Chapra, is set aside.

Let the petitioner above-named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Saran at Chapra in connection with Doriganj P.S. Case No. 206 of 2019 with further condition that the parent or guardian of the petitioner shall file an affidavit for the good behaviour and child's well being for a period of one year.

(Prabhat Kumar Singh, J)

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