

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.288 of 2021**

Arising Out of PS. Case No.-83 Year-2020 Thana- MAGADH MEDICAL COLLEGE
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. Ashok Kumar, Advocate
For the Respondent/s : Mr. Ram Narayan Rai, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 21-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

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

The application has been preferred under the Juvenile Justice (Care and Protection of Children) Act, 2015 against the order dated 4.2.2021 passed in Cr. Appeal No. 59 of 2020 by the learned Special Judge, Children Court, Gaya whereby the appeal was dismissed affirming the order dated 23.11.2020 passed by the Juvenile Justice Board, Gaya in Misc. Case No. 155 of 2020 arising out of Magadh Medical P.S. Case No. 83 of 2020



registered under sections 25(1-B)(a) and 26 of the Arms Act.

As per allegation in the F.I.R., on secret information having been received, a raid was conducted and on disclosure of the petitioner, a pistol was recovered.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the F.I.R. are false and incorrect and the petitioner who was declared a Juvenile by order dated 22.5.2020 (Annexure-2) has been falsely implicated in the case. He has been in custody since 4.5.2020 and has no criminal antecedent.

The application is opposed by learned A.P.P. appearing for the State.

Having heard learned counsel for the parties and taking into consideration the petitioner having been declared a juvenile by the above mentioned order and having remained in juvenile home for over one year, the Court is inclined to allow the instant application. The application is allowed and the order dated 4.2.2021 passed in Cr. Appeal (Juvenile) No. 69 of 2020 passed by the learned Special Judge, Children Court, Gaya and the order dated 23.11.2020 of the Juvenile Justice Board, Gaya in Misc. Case No. 155 of 2020 are hereby set aside.

It is directed that on the undertaking given by his father,



the petitioner shall be enlarged on bail in connection with
Magadh Medical P.S. Case No. 83 of 2020 on furnishing bail
bond of Rs.5,000/ (Rupees Five Thousand) with two sureties of
the like amount each to the satisfaction of the learned Juvenile
Justice Board, Gaya.

(Partha Sarthy, J)

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