

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.253 of 2021**

Arising Out of PS. Case No.-73 Year-2018 Thana- ROSHANGANJ District- Gaya

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GUDDU KUMAR @ GUDDU KUMAR YADAV, Son of - Rampravesh Yadav Under the guardianship of His Father namely Rampravesh Yadav, aged about 50 years, Male, Son of Banshi Yadav, Resident of Village- Bihargain Tola Dumrarigarh, P.S.- Raushanganj, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Sushant Praveer, Advocate
For the Respondent/s : Mr. Upendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 06-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Upendra Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking to set aside the order dated 12.02.2021 passed by the Special Judge (Children Court), Gaya in Criminal Appeal (Juvenile) No. 8 of 2021 which had been filed against the order dated 12.01.2021 passed by learned Principal Magistrate, Juvenile Justice Board, Gaya in connection with G.R. No. 1066 of 2018 arising out of Raushanganj P.S. Case No. 73 of 2018 registered for the



offences punishable under Section 412 of the Indian Penal Code and Section 25 (1-B)a/26 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story one country made pistol with two live cartridges and a sum of rupees 1,00,000/- has been recovered from the possession of this petitioner.

The petitioner was adjudged juvenile vide order dated 01.07.2018 by learned Juvenile Justice Board, Gaya . The age of the petitioner was determined as 16 years 04 months on the alleged date of occurrence.

Learned counsel further submits that the petitioner was allegedly involved in Amas P.S. Case No. 123 of 2018 under Section 395 I.P.C. and in connection with the said case Police was searching him. He was arrested by Police and present case was lodged after alleging that a country made pistol and two live cartridges were recovered. It is submitted that in the three cases against the petitioner he is on bail. So far as the present case is concerned, he was taken into custody in connection with the present case on 27.05.2018.

Learned counsel has informed this Court that earlier the petitioner had absconded but he was produced again on 06.07.2019, thereafter he was granted leave but had failed to return



after completion of the leave period, therefore, he was again produced on 20.09.2020. Learned counsel submits that no doubt the conduct of the petitioner in absconding goes against him but considering the facts and circumstances of the present case wherein this petitioner has spent substantial period in the observation home since the year 2018 and he is a juvenile, the prayer of the bail of the petitioner is required to be considered keeping in view the scheme of Section 12 of the Juvenile Justice (Care and Protection of Children) Act. Learned counsel submits that the father of the juvenile is ready to furnish undertaking to supervise the conduct of the petitioner if released on bail.

Mr. Md. Fahimuddin, learned A.P.P. for the State has opposed the prayer for bail of the petitioner on the ground that he had once absconded from the observation home.

Considering the facts and circumstances of the case wherein this Court has noticed that the petitioner was adjudged juvenile at about 16 years 04 months on the alleged date of occurrence and he has been arrested and produced in connection with the present case and he is in observation home since 18.05.2018 (save and except the period within which he was absconding), the father of the juvenile is ready to give undertaking, this Court is inclined to give an opportunity to the



petitioner to mend his ways and return to the mainstream of the society, let the impugned order be set aside and the petitioner be released 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 Principal Magistrate, Juvenile Justice Board, Gaya in connection with G.R. No. 1066 of 2018 arising out of Raushanganj P.S. Case No. 73 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

One of the surety would be his father and he will furnish undertaking that after release of the petitioner on bail he will not allow him to go in bad company and in case he does not



abide by his command, he would inform the nearest police station in this regard whereupon steps will be taken for cancellation of bail of the petitioner. The Probation Officer shall keep vigil on the conduct of the petitioner and shall report his conduct to the Juvenile Justice Board, Gaya periodically.

This application stands disposed of accordingly.

(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'.

