

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.286 of 2021

Arising Out of PS. Case No.-240 Year-2020 Thana- BARHARIA District- Siwan

MANISH PANDEY S/o Tarkeshwar Pandey Resident of Village- Pyarepur,
P.S.- Thawe, District- Gopalganj Under guardianship of his Brother- Nitish
Kumar Pandey, aged about 20 years (M) S/o- Tarkeshwar Pandey, R/o
Village- Pyarepur, P.S.- Thawe, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner : Mr.Ajay Kumar Pandey, Advocate
For the Respondent : Mr.Ajit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 31-08-2021 Heard counsel for the petitioner and the State.

Instant criminal revision application is directed against order dated 5.2.2021 passed by Children judge cum Additional Sessions Judge I cum Special Judge Siwan in Cr. Appeal No. 01/21 as well as order dated 17.12.2020 passed by the JJB, Siwan in JE No.197/2020, Barharia Police Station Case No. 240 of 2020 registered for the offence under Sections 272/273/34 of the Indian Penal Code and sections 30(a)/41(i) of the Bihar Prohibition and Excise Act, by which prayer for bail of the petitioner has been rejected.

It is submitted on behalf of learned counsel for



petitioner that petitioner has been declared juvenile by the Juvenile Justice Board, Siwan vide order dated 9.12.2020 and he is in custody since 10.8.2020. It is further submitted that Juvenile Justice Board as well as Children Court have rejected the bail application of the petitioner only considering the merit and nature of allegation which is not in consonance with the mandate of law. Case of juvenile is to be considered on the criteria laid down under Section 12 of the Juvenile Justice Board Act. It is further submitted that social investigation report is based on conjectures and surmises and without any material. It is also the case of the petitioner that the brother of the petitioner is ready to undertake that he will never allow the petitioner to mix up him with anti social elements.

Learned counsel for the State submits that from perusal of the impugned order it appears that earlier also the petitioner has got criminal antecedent. It has also been reported that mother of the petitioner has died and his father is presently residing in Gujarat with his second wife and thus there is no one to look after the petitioner. The uncle of the petitioner has also filed an affidavit in the court below to the same effect.

Considering the social investigation report and the affidavit of the uncle of the petitioner, this Court does not find



any error in the impugned order. Instant revision application is
dismissed.

(Prabhat Kumar Singh, J)

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