

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL REVISION No.281 of 2020

Arising Out of PS. Case No.-197 Year-2019 Thana- GUTHANI District- Siwan

XX

.. ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Respondent/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 23-03-2021 Heard learned counsel for the petitioner and learned
APP 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.

This application has been preferred under the Juvenile Justice (Care & Protection of Children) Act, 2015 against the order dated 17.2.2020 in Cr. Appeal no. 5 of 2020 passed by the learned 1st Additional District and Sessions Judge, Siwan



whereby the appeal was dismissed affirming the order dated 23.1.2020 passed by the Principal Magistrate, Juvenile Justice Board, Siwan in G.R. no. 4796 of 2019 arising out of Guthni P.S. Case no. 197 of 2019, (Juvenile Trial no. 376 of 2019) registered under sections 302 and 34 of the Indian Penal Code.

As per allegation in the FIR, the accused persons including Pushpa Devi, Satyadev Rajbhar as also their daughter, the petitioner herein are stated to have assaulted the informant and the member of his family leading to the death of the informant's wife.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and incorrect. By order dated 10.1.2020 passed in G.R. Case no. 4794 of 2019 the Juvenile Justice Board, Siwan was pleased to declare the petitioner to be a juvenile. The prayer for bail of the petitioner was rejected vide order dated 23.1.2020 and the appeal preferred against the said order was also rejected on 17.2.2020. Referring to the contents of the order dated 23.1.2020 of the Juvenile Court at Siwan, it is submitted by learned counsel for the petitioner that from perusal of the same it would transpire that the petitioner does not have any criminal antecedent and she was just a bystander at the time of occurrence. Even the son of



the deceased had stated that the petitioner was not amongst the accused persons who had assaulted. It is further submitted that both the parents of the petitioner being accused in the instant FIR, the petitioner's maternal grand father who has sworn the affidavit in the instant application is ready to take charge and keep watch on the petitioner. The petitioner is in custody since 11.12.2019.

The application is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration that the petitioner has been declared to be a juvenile as also the contents of the order of the learned Court below taking note of the statement of the son of the deceased, the Court is inclined to allow the instant application. The application is allowed and the order dated 17.2.2020 in Cr. Appeal no. 5 of 2020 passed by the learned 1st Additional District and Sessions Judge, Siwan and the order dated 23.1.2020 passed by the learned Principal Magistrate, Juvenile Justice Board, Siwan in G.R. no. 4796 of 2019 are hereby set aside.

It is directed that on the undertaking given by her maternal grand father, the petitioner shall be enlarged on bail in



connection with Guthni P.S. Case no. 197 of 2019 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, Siwan.

(Partha Sarthy, J)

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