

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.355 of 2021**

Arising Out of PS. Case No.-91 Year-2019 Thana- GURARU District- Gaya

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Anup Kumar @ Anup Kumar Yadav, Son of Late Shiv Ji Yadav @ Shiv Jee Yadav R/O Village- Chaumukha, P.S- Pachrukhi, Dist- Siwan, Under The Guardianship of his brother namely, Deepak Kumar, Son Of Late Shiv Ji Yadav @ Shiv Jee Yadav, R/O Chumukha, P.S- Pachrukhi, Dist- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Respondent/s : Mr.Jagdhar Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 17-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking setting aside the order dated 1102.2021 passed by the learned Special Judge (Children Court), Gaya in Cr. Appeal (Juvenile) No. 07 of 2021, arising out of Guraru P.S. Case No. 91 of 2019 registered for the offences under Section 308, 307, 353, 427 and 34 of the Indian Penal Code and Section 8(20(b)(ii)(c)/25 and 29 of the Narcotic Drugs and Psychotropic Substances Act.

Learned counsel for the petitioner submits that the petitioner is a juvenile. In support of his contention he has referred Annexure '2' which is a copy of the order dated 13.10.2020 passed by learned Juvenile Justice Board, Gaya. Petitioner has been found aged about 15 years 25 days on the alleged date of occurrence.

Learned counsel submits that this petitioner was one amongst the four persons who were arrested from the Scorpio in which 270 Kg. Ganja was recovered. It is his submission that the vehicle in question had no connection with the petitioner and the social investigation report reveals that in absence of his father who is no more the petitioner had fallen in bad association.

Learned counsel however submits that the brother of the petitioner is ready to furnish appropriate undertaking that if released on bail the petitioner would not be allowed to fall in bad company and he will be associated with the mainstream of the society.

Learned counsel further submits that the petitioner has remained in Observation Home for over two years and considering the maximum period for which he may be awarded a punishment, the petitioner deserves privilege of bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner, as according to him, if released on bail the petitioner is likely to fall in bad company.

Considering the facts and circumstances of the case, this petitioner being 15 years old on the alleged date of occurrence and the maximum period for which he may be kept in the specified Home is three years only, he has already spent more than two years as also considering that his brother is ready to furnish an

undertaking that if released on bail the petitioner shall not be allowed to fall in a bad company, this Court sets-aside the impugned order and directs release of the petitioner above-named 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 Juvenile Justice Board, Gaya in connection with Guraru P.S. Case No. 91 of 2019.

The brother of the petitioner, who has undertaken to furnish the undertaking for release of the petitioner, shall furnish an undertaking that after release of the petitioner on bail he would not be allowed to come in any contact of persons having criminal antecedents.

The Probation Officer attached to the Juvenile Justice Board, Gaya shall keep on visiting the place of petitioner and submit his periodical report to the Juvenile Justice Board, Gaya.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.