

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.339 of 2021

Arising Out of PS. Case No.-121 Year-2016 Thana- PAKRIDAYAL District- East Champaran

Hament Kumar Singh Son Of Ram Vinay Kumar Singh Residence Of Village-
Bhagwatpur Bhaluahi, P.S. Shikarganj, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Respondent/s : Mr.Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-10-2021 Heard learned counsel for the petitioner and Mr.
Chandra Bhushan Prasad, learned A.P.P. for the State.

Petitioner, in the present case, is seeking setting aside the order dated 20.02.2021 passed by learned 1st Additional Sessions Judge, East Champaran at Motihari whereby and whereunder the order dated 16.03.2020 passed in Pakridayal P.S. Case No. 121 of 2016 under Section 147, 148, 149, 302, 307, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act by learned Sub-Judge – cum – Additional Chief Judicial Magistrate – cum – Principal Magistrate, Juvenile Justice Board, East Champaran at Motihari. Petitioner is in the Remand Home since 10.11.2019 having one criminal antecedent as stated in paragraph ‘3’ of the application.

As per the prosecution story, while the informant namely Bikhari Sahani along with others was sitting in his



premises and family members were engaged in house work, in the meantime, six persons came in his campus and started firing upon his father and Ward Member Raj Kishore Prasad. The father of the informant and Raj Kishore Prasad died on the spot. The informant further alleged that when his mother and nephew came outside of the house then all the accused persons fired upon her and she died. One of the accused Rakesh Singh fired upon the nephew of the informant which hit on his waist thereafter, all the miscreants made indiscriminate firing upon him. The accused persons searched the other family members, thereafter the miscreants fled away by making fire.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and he is not named in the First Information Report. Learned counsel submits that on the alleged date of occurrence petitioner was hardly aged about 14 ½ years, his name has transpired in the confessional statement of the co-accused.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it appears on perusal of the record that on the alleged date of occurrence the petitioner was hardly aged about



14 ½ years, the name of the petitioner has transpired in the confessional statement of the co-accused and several co-accused in this case have been allowed regular bail by learned coordinate Benches of this court, so far as the present petitioner is concerned, the social investigation report is showing that the petitioner is interested in studies and his behavioral pattern have been found normal, though lack of discipline has been noticed, the petitioner is said to be a cool and peaceful boy be good in studies and has passed matriculation examination as also his father is ready to give undertaking that if released on bail the petitioner shall not be allowed to come in contact with any bad element and that the father will take care of the studies of the petitioner, this Court sets-aside the impugned order and directs release of the petitioner 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 Sub-Judge – cum – Additional Chief Judicial Magistrate – cum – Principal Magistrate, Juvenile Justice Board, East Champaran at Motihari in connection with Pakridayal P.S. Case No. 121 of 2016.

One of the bailors shall be the father of the petitioner who will furnish an undertaking that while on bail he would not allow the petitioner to come in contact with any anti-social



element or a person of criminal antecedent.

The Probation Officer shall also be vigilant and will periodically submit his report to the Juvenile Justice Board, East Champaran, Motihari as regards the conduct of the petitioner.

Learned A.P.P. has returned the case diary.

This application stands disposed of accordingly.

(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'.

