

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.296 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- CHANAN District- Lakhisarai

JITENDRA KUMAR @ GOBI, Son of Late Kailash Bind, Resident of Village - Kachhua, P.S. - Chanan, District – Lakhisarai.

Under Guardianship of his mother namely Chameli Devi aged about 56 years, wife of Late Kailash Bind, Resident of Village - Kachhua, P.S. - Chanan, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. S.K. Lal, Advocate

Mr.Umesh Prasad, Advocate

For the Respondent/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 12-08-2021 The matter has been taken up today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The present revision application has been preferred against the order dated 07.01.2021 in G.R. No.1372 of 2020 passed by the learned J.J. Board, Lakhisarai as also the order dated 06.02.2021 in Criminal Appeal No.02 of 2021 passed by



the learned Additional District & Sessions Judge 1st Cum Special Judge, Lakhisarai, arising out of Chanan P.S. Case No.102 of 2020 for alleged offences registered under Section 414 of the Indian Penal Code and Section 25(1-b)/26 of the Arms Act.

The petitioner has been made accused in the instant case on the alleged recovery of one country made pistol and five live cartridges concealed beneath the seat of his motorcycle.

Under the earlier order, this Court had called for the Social Investigation Report along with the LCR. The same have been received. There is no material in the report to suggest that there is any likelihood of the instant petitioner comes in contact with any criminal and that there is any danger to his welfare. These two reasons being the only exception on account of which the prayer for bail can be rejected and there being no such reason in the report, learned counsel for the petitioner submits that bail be granted to the petitioner as he was juvenile on the alleged date of recovery of one country made pistol and five live cartridges from his possession. The petitioner is stated to be in custody since 10.09.2020. There is no prior antecedents of the petitioner. Further submission is that the mother of the petitioner will take care of the petitioner.



Learned APP has opposed the prayer for bail.

However, the factual position emanating from the Social Investigation Report is undeniable. There being no reason for rejection of the petitioner's prayer for bail in terms of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Having considered all facts and circumstances, let the above named petitioner, a juvenile, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.J. Board, Lakhisarai, in connection Chanan P.S. Case No.102 of 2020, in favour of his mother, who shall keep him under her guardianship and produce him as and when required and also subject to the condition that one of the bailors of the petitioner shall be her mother, who at the time of filing of the bonds, shall also give an undertaking that she will take proper care of the petitioner and in case the petitioner does not act as per her advice, she shall report the matter to the Officer-in-Charge of the concerned police Station and further during the period of bail, the petitioner will be under the supervision of concerned Probation Officer.

In the result, the revision application is allowed and



the impugned order dated 07.01.2021 in G.R. No.1372 of 2020 passed by the learned J.J. Board, Lakhisarai as also the order dated 06.02.2021 in Criminal Appeal No.02 of 2021 passed by the learned Additional District & Sessions Judge 1st Cum Special Judge, Lakhisarai, arising out of Chanan P.S. Case No.102 of 2020, is set aside.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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