

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.320 of 2021**

Arising Out of PS. Case No.-709 Year-2019 Thana- MAHUA District- Vaishali

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XX

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Bela Singh, Adv.

For the Respondent/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 02-08-2021 Heard learned counsel for the parties through video conferencing.

Though the petitioner has given full description in the application, it would be inappropriate to disclose his identity in view of the statutory provisions prescribed under section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 ('the Act' in short). He is being referred to in the cause title as XX.

Registry while uploading the order on the website shall also ensure that the cause title is reflected in similar manner.

The instant revision application is filed against the order dated 11.1.2021 passed in Criminal Appeal no.29 of 2020 whereby the prayer for bail of the petitioner registered under



sections 399, 402 and 414 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act was rejected.

As per allegations in the F.I.R., on a raid being conducted, Rs.20,000/- in cash and mobile phones were recovered from possession of the petitioner while loaded country made pistol was recovered from the possession of the co-accused. Some of the co-accused managed to escape.

It is submitted by learned counsel for the petitioner that the petitioner was declared juvenile by the J.J.Board. However, the prayer for bail was rejected and appeal preferred was also rejected vide order dated 11.1.2021. It is submitted that the petitioner has remained in juvenile home since 19.12.2019. The main reason for rejection of the prayer for bail of the petitioner is that the guardian of the petitioner had not turned up before the Juvenile Justice Board. It was for the reason because of Covid-19 pandemic. It is submitted by learned counsel for the petitioner that the mother is ready to take charge of the juvenile-petitioner and she has herself sworn affidavit in the instant application.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case



including the submissions made on behalf of the petitioner, the Court is inclined to allow the instant revision application. The revision application is allowed and the order dated 11.1.2021 passed in Criminal Appeal no.29 of 2020, impugned herein, is set aside.

The petitioner is directed to be enlarged on bail in connection with Mahua P.S case no. 709 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Vaishali.

(Partha Sarthy, J)

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