

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.358 of 2021**

Arising Out of PS. Case No.-275 Year-2020 Thana- BARAUNI District- Begusarai

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Karan Kumar, son of Ranjit Chauhan, Resident Of Village- Thakuri Chowk,
P.S. Barauni, District- Begusarai, through his Father and natural guardian
Ranjit Chauhan, Aged About 48 Years, son of Dukho Chauhan, resident of
Village- Near Durga Sthan, Thakurichak, Thakuri Chak, Garhara, P.S.
Barauni, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Advocate

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

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

3 10-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with J.J.B. Case No. 174 of 2020, arising out of
Barauni (Gadhara O.P.) P.S. Case No. 275 of 2020 registered for
the offence under Section 302, 120(B)/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that on
perusal of the First Information Report itself it would appear
that the informant who is an eye witness has specifically alleged
that co-accused Sunny Singh had taken out pistol from his waist
and fired thrice on the head of the son of the informant. The

another co-accused Dani Singh had fired upon the victim Saurabh Singh twice and as a result of these specific overt acts the victim died.

Learned counsel submits that this petitioner is not named in the First Information Report. He has been brought within the purview of the investigation in this case in the confessional statement of the co-accused, however no overt act has been alleged against him. The Juvenile Justice Board has held the age of the petitioner being 15 years 4 months and 26 days on the alleged date of occurrence, which will be evident from the order dated 29.01.2021 passed by learned Juvenile Justice Board, Begusarai (Annexure '2').

Learned counsel further submits that the Social Investigation Report of the petitioner was called for. The petitioner has got no criminal antecedent and there is nothing adverse against him. He is juvenile and keeping in view the spirit of Section 12 of the Juvenile Justice (Care & Protection of Children) Act, 2015, the petitioner may be reunited with his family in his best interest. Father of the petitioner is ready to give an undertaking that if released on bail the petitioner shall not be allowed to come in company of bad elements and he is further ready to undertake that the petitioner shall not be

residing in the village and in the same locality where the victim and his family is residing and will involve himself in studies.

Learned A.P.P. for the State submits that the learned Additional Sessions Judge – I, Begusarai has rejected the prayer for bail of the petitioner after considering that his release may expose him to moral, physical or psychological danger and there is likelihood of his going back in the same environment.

Considering the facts and circumstances of the case wherein this petitioner is not named in the First Information Report, no overt act has been alleged against him in the alleged occurrence, he is though the resident of the same locality but he was not identified by the informant on the spot, he has been adjudged juvenile aged about 15 years 4 months on the alleged date of occurrence and further that he has remained in the Observation Home in connection with this case for over one year and the father of the petitioner is ready to furnish the undertaking as noted hereinabove, there being no material on the record showing that the petitioner had any criminal antecedent or that he is likely to fall in bad company, in the interest of the juvenile, this Court directs his reunion with his family by directing release 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, Begusarai in connection with J.J.B. No. 174 of 2020 arising out of Barauni (Gadhara) P.S. Case No. 275 of 2020.

Father of the petitioner will be one of the bailors and he will furnish an undertaking as indicated by his lawyer and has been taken note of by this Court hereinabove.

The Probation Officer shall keep on visiting the place of the petitioner and submit his periodical reports to the learned Juvenile Justice Board, Begusarai.

This application stands disposed off 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'.