

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.394 of 2020

Arising Out of PS. Case No.-602 Year-2019 Thana- BUXAR District- Buxar

HARENDRA YADAV @ HARENDRA KUMAR YADAV Under the guardianship of his father namely Mandil Yadav @ Sri Mandir Yadav Resident of Village- Pandeypatti, P.S.- Buxar (M), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Respondent/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-02-2021 Heard learned counsel for the petitioner and learned counsel for the State through video conferencing.

The instant revision application under the Juvenile Justice Act has been preferred for quashing the order dated 14.5.2020 passed by the learned Sessions Judge, Buxar whereby Cr. App. no. 20/2020 filed by the appellant was rejected and the order dated 22.2.2020 of the Principal Magistrate, J.J.B Court, Buxar whereby the prayer for bail of the appellant in connection with J.J.B. Case no. 654 of 2019 arising out of Buxar (Town) P. S. Case no. 602 of 2019 registered under sections 302, 147, 148 and 149 of the Indian Penal Code and section 27 of the Arms Act, was rejected, has been affirmed.

As per allegation in the FIR, it is stated by the



informant that while he was returning along with his brother, in the premises of the Buxar Civil Court, the FIR named accused persons variously armed started firing as a result of which his brother died.

It is submitted by learned counsel for the petitioner that by order dated 3.1.2020 passed in J.J.B. Case no. 654 of 2019 the petitioner was declared to be juvenile. Further, from perusal of the FIR, it would transpire that the petitioner is not named therein and there is specific allegation against other accused persons of having fired and having killed the brother of the informant. It is submitted that the petitioner is in custody since 11.11.2019 and his mother and natural guardian is ready to take him under her care on his release.

The application is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner has been declared a juvenile, he is not named in the FIR and is in custody since 11.11.2019, the Court is inclined to allow the instant application. The application is allowed and the order dated 14.5.2020 passed in Cr. App. no. 20/2020 by the learned Sessions Judge, Buxar as also the order dated 22.2.2020 passed



by Principal Judge, J.J.B Court, Buxar in Buxar (Town) P.S.
Case no. 602/2019 are hereby, set aside.

On the undertaking given by his mother, let the
petitioner above named be released on furnishing bond of Rs.
5,000/- (Rupees five Thousand) with two sureties of the like
amount each in connection with Buxar (Town) P.S. Case no.
602/2019 to the satisfaction of the Court of learned Principal
Magistrate, J.J.B. Court, Buxar.

(Partha Sarthy, J)

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