

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.464 of 2021**

Arising Out of PS. Case No.-266 Year-2020 Thana- PAKARIBARAW District- Nawada

Subham Kumar, S/O Sukdev Yadav @ Sukhdev Yadav, R/O Village-Loshighani, P.S-Sikandra, District-Jamui, under the Guardianship of his father namely Sukdev Yadav @ Sukhdev Yadav, aged about 52 Years (MALE), Son of Lakshmi Yadav, R/O Village-Loshighani, P.S-Sikandra, District-Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Umesh Prasad, Advocate

For the Respondent/s : Mr.Akhileshwar Dayal, A.P.P.

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

3 31-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking to set aside the order dated 15.02.2021 passed by learned Juvenile Justice Board, Nawada in GR/C/J.I.N.-709 of 2020 as well as order dated 07.04.2021 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge, Nawada in connection with Criminal Appeal (Juvenile) Case No. 07 of 2021 arising out of Pakaribarawan P.S. Case No. 266 of 2020 registered for the offence punishable under Section 392 of the Indian Penal Code

whereby and whereunder his prayer for regular bail was rejected.

Learned counsel for the petitioner submits that as per the First Information Report this petitioner and the co-accused had looted away a motorcycle and mobile phone of the informant with a sum of Rs. 5,000/-. In course of investigation the petitioner has been apprehended and is in remand home since 13.08.2020.

Learned counsel submits that the petitioner has been adjudged juvenile by the learned Juvenile Justice Board, Nawada vide order dated 05.02.2021.

Mr. Akhileshwar Dayal, learned A.P.P. for the State submits after going through the case diary that the motorcycle and the mobile phone as also a cash of Rs. 1100/- has been recovered from possession of the petitioner. The statement of the maternal uncle of the petitioner supports the prosecution story. It is, however, submitted that in the social investigation report there is no adverse observation against him.

As regards criminal antecedent it is stated that the petitioner has got no criminal antecedent.

In the facts and circumstances of the case stated hereinabove, considering that the petitioner is a juvenile and has remained in the observation home for over one year as also that he has no criminal antecedent and social investigation report is not giving any adverse opinion against him, this Court sets aside the

impugned order and directs release of the petitioner above named 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 1st Additional District and Sessions Judge-cum-Special Judge, Nawada in connection with Criminal Appeal (Juvenile) Case No. 07 of 2021 arising out of Pakaribarawan P.S. Case No. 266 of 2020. One of the bailors should be the father of the petitioner. The father of the petitioner shall also give an undertaking that after his release on bail the petitioner shall not be allowed to come in company of bad elements and in case he is found involving in any criminal act, the same will be reported to the nearest Police Station.

The Probation Officer attached to the Juvenile Justice Board shall keep on visiting the place of the petitioner and any adverse conduct on his part shall be immediately brought to the notice of the Juvenile Justice Board.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.