

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL REVISION No.436 of 2021**

Arising Out of PS. Case No.-19 Year-2020 Thana- BACHHWARA District- Begusarai

BHULLA @ SACHIN @ SANJEEV KUMAR, Son of Ramsewak Das @ Sevak Das through his father as guardian namely Ramsewak Das @ Sevak Das, Resident of Village - Samsa (Kastoli), Ward No. 15, P.S. Mansoorchak, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s	:	Mr.Sandip Kumar Gautam, Advocate
For the Respondent/s	:	Mr.Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 13-09-2021 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. Nand Kishore Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking to set aside the order dated 01.03.2020 passed by learned 1st Additional Sessions Judge-cum- P.O., Children Court, Begusarai in connection with J.J.B. Case No. 111 of 2020 arising out of Bachhwara P.S. Case No. 19 of 2020 registered for the offences punishable under Sections 384, 386, 387,302, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act whereby and

whereunder his prayer for regular bail was rejected. He is in observation home since 24.02.2020. The petitioner has got one criminal antecedent and has been remanded in this case after his arrest in connection with Bachhwara P.S. Case No. 20 of 2020 under Section 25(1-b)(a), 26 and 35 of the Arms Act.

As per the prosecution story, there was a demand of rangdari from the informant who was engaged in carrying on the work of Supervisor in Sona Infra Company Ltd. engaged in road construction at village Awabkarpur. On 25.01.2020 the three miscreants armed with weapons came there pointed pistol on the informant and asked the mobile number of his owner. They demanded 5 per cent of the estimated amount of the work. This was informed to the Police authorities as well as to the Rural Work Department. It is alleged in the F.I.R. registered on 04.02.2020 that in the previous night the two employees of the Company namely Rajnish Kumar and J.C.B. driver Kaishar Alam were on the place of occurrence. In the morning when the informant came there at his Plant he saw that their dead bodies were lying outside the room and blood was oozing from their bodies.

Learned counsel for the petitioner submits that in course of investigation the Police got an information from spy

(paragraph '15' of the case diary) that one Monu Kunwar is involved in commission of this crime. Monu Kunwar was arrested. So far as this petitioner is concerned, in paragraph '45' of the case diary it has come that the spy informed that the petitioner who was arrested in another case is an associate of said Monu Kunwar and may be one who is involved in the commission of the present offence. On the basis of this information of the spy the Police caught him on remand, extracted confessional statement and recorded that on the basis of the confessional statement a Katta and four live cartridges were recovered from a place behind the house of Monu Kunwar.

Learned counsel, thus, submits that there is no recovery of any arms or ammunition from the possession of the petitioner either from his physical possession or from his house.

Learned counsel submits that this petitioner has been found aged about 16 years, 7 months and 19 days on the alleged date of occurrence. He had no criminal antecedent prior to his involvement in the case being Bachhwara P.S. Case No. 20 of 2020 which has been registered under the provisions of the Arms Act but the same relates to the present case even as there was no recovery of arms from his possession. He is on bail in the said case.

Learned counsel submits that considering the kind of materials on the basis of which the petitioner has been involved and that the social investigation report of the petitioner does not indicate that the petitioner is a habitual offender and further that it has come in the social investigation report that petitioner was earning his livelihood by selling 'Gupchup' on the road side and he seems to have come in contact with the miscreants but had no active involvement in commission of the present offence, considering his period of stay in the observation home and the social condition in which he is living and is unable to earn his livelihood for himself and his family, he may be released on bail. His father is ready to give an undertaking that if released on bail he will not allow the petitioner to fall in bad company.

Mr. Nand Kishore Prasad, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. Learned A.P.P. has read out the statements made in paragraph '15', '45' and '47' of the case diary. It has been clarified to this Court that the petitioner had no criminal antecedent prior to the present case and the social investigation report does not speak against him.

Considering the facts and circumstances of the case and the submissions taken note of hereinabove particularly that the petitioner is a juvenile, the crux of the allegations are against

co-accused Monu Kunwar and there is no recovery of arms or ammunition from the possession of the petitioner or from his house and there is no adverse remarks against him in the social investigation report as also his stay for over one and half year, 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 Sessions Judge-cum- P.O., Children Court, Begusarai in connection with in connection with J.J.B. Case No. 111 of 2020 arising out of Bachhwara P.S. Case No. 19 of 2020.

(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'.