

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.445 of 2021**

Arising Out of PS. Case No.-711 Year-2020 Thana- NAWADA District- Nawada

XX

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Nayan, Adv.

For the Respondent/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 10-08-2021 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 section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Thus, he is being referred to in the cause title as XX.

The registry while uploading the order on the website shall ensure that the cause title is reflected in a similar manner.

This application has been preferred under the Juvenile Justice (Care & Protection of Children) Act, 2015 against the order dated 9.6.2021 whereby the prayer for bail of the juvenile petitioner in connection with Bundelkhand O.P



(Nawada) P.S. Case no. 711 of 2020 registered under sections 396, 397 and 412 of the Indian Penal Code, was rejected.

As per allegation in the FIR, 4 to 5 accused persons committed dacoity in the house of the informant and in the said occurrence murdered the son of the informant.

It is submitted by learned counsel for the petitioner that by order dated 7.10.2020 of the Juvenile Justice Board, Nawada, the petitioner was declared to be a juvenile on the date of occurrence. On merits, it is submitted that the name of the petitioner transpired in course of investigation on the confessional statement of the coaccused made before the police. Even as per the said confessional statement overt acts are alleged against coaccused Sunny and Ballam, and not this petitioner. The petitioner is in remand home since 18.8.2020.

The application is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the ratio of the judgments in the case of *Lalu Kumar & Ors. versus State of Bihar & Ors.* [2019(4)PLJR 833] together with the petitioner who has been declared to be a juvenile having remained in custody since 18.8.2020, the



Court is inclined to allow the instant application. The application is allowed and the order dated 9.6.2021 passed in Cr. Appeal no. 11 of 2021 by the learned 1st Additional District and Sessions Judge-cum-Special Judge, Nawada is set aside.

The petitioner is directed to be enlarged on bail in connection with Nawada (Bundelkhand O.P.) P.S. Case no. 711 of 2020 on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Nawada.

(Partha Sarthy, J)

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