

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.449 of 2021

Arising Out of PS. Case No.-54 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

TEJ PRATAP KUMAR Son of Mritunjay Prasad Resident of Shivdhar Hata,
Police Station- Barharia, District- Siwan through his Guardian Mritunjay
Prasad, Aged about 39 years, Son of Marai Bhagat, Resident of Shivdhar
Hata, Police Station- Barharia, District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra, Adv.

For the Respondent/s : Ms.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 04-10-2021 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 Ms.
Veena Kumari Jaiswal, learned A.P.P. for the State.

Petitioner in the present case is seeking setting aside
of the order dated 23.06.2021 passed in Cr.Appeal No.17/2021
by the learned court of Additional District and Session Judge-I,
Gopalganj whereby and whereunder the appeal preferred by the
petitioner has been dismissed and the order dated 06.04.2021
passed by the Juvenile Justice Board, Gopalganj in
J.E.No.33/2021 arising out of Kuchaikot P.S. Case No.54/2021
(G.R.No.472/2021) registered under Section 364/120(b) of the



Indian Penal Code has been upheld and prayer for release on bail has been rejected.

As per the prosecution story, while the informant was sitting near his door along with his nephew Kaushar Ali and Roshan Ali and sister-in-law, one Vishal Kumar aged about 19 years came to his place and took away his nephew. His nephew did not return by the night, whereafter the informant trying to contact his nephew over mobile phone but he did not pickup his phone. The informant alleged that Vishal Kumar with the help of his friends has abducted Roshan Ali and has killed him.

Learned counsel for the petitioner submits that this petitioner is not named in the FIR and his name has transpired in the confessional statement of the co-accused Vishal Kumar.

It is further submitted that the petitioner has been found juvenile. As per his matriculation certificate, he was aged about 15 years 9 months 12 days on the date of the alleged occurrence.

Learned counsel further submits that the petitioner is a student and in the social investigation report no adverse material has come against him. The neighbours have not made any complaint against the petitioner and the father of the petitioner is ready to give an undertaking that if released on bail he will



not allow the petitioner to fall in bad company. The petitioner is said to be in the juvenile home since 04.02.2021. He has got no criminal antecedent.

Ms. Veena Kumari Jaiswal, learned APP for the State has though opposed the prayer for bail of the petitioner, but on going through the social investigation report no adverse material could be pointed out to this Court.

Having regard to the facts and circumstances of the case wherein the petitioner has been found less than 16 years of age on the alleged date of occurrence and his name has transpired in the confessional statement of the co-accused and further in the social investigation report no adverse material has come against his conduct or behavioural pattern as also his father is ready to give an undertaking, this Court sets aside the impugned order and directs release of the petitioner 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, Gopalganj in connection with Kuchaikot P.S. Case No.54/2021. One of the bailors shall be the father of the petitioner who will furnish an undertaking that while on bail he would not allow the petitioner to come in contact with any antisocial element or a person of



criminal antecedent.

The Probation Officer shall also be vigilant and will periodically submit his report to the Juvenile Justice Board, Gopalganj as regards the conduct of the petitioner.

This 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'.

