

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL REVISION No.404 of 2020**

Arising Out of PS. Case No.-186 Year-2019 Thana- KHAJANCHI HAT District- Purnia

MD. SARFARAZ LAHERI @ BAWWA S/O- Md. Firoz Laheri @ Md. Firoj Alam (Under Guardianship of Father Md. Firoz Laheri), Resident of Village - Das Tola, Madhopara, P.S. - K. Hat (Madhubani), District - Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate

For the Respondent/s : Mr. Raj Ballabh Singh, APP

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

3 23-03-2021 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner in this case is a juvenile who is seeking to set aside the judgment and order dated 04.06.2020 passed in Special (Kishor) Case No. 02 of 2020/C.I.S. No. 02 of 2020, by the learned 1st Additional Sessions Judge-cum-Special Judge (Kishor), Purnea, whereby and whereunder the learned Sessions Judge, Purnea rejected the prayer for bail of the petitioner in connection with K. Hat (Madhubani) P.S. Case No. 186 of 2019 registered for the offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the informant in her written report has alleged that his son Nawal



Kishore aged about 37 years was shot at and his dead body was taken away by police for postmortem. The informant raised suspicion that Md. Shagir, Md. Shakeel and unknown had entered into altercation earlier so they might have killed her son.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is not named in the F.I.R. and his name has come in the confessional statement of the co-accused. It is further submitted that petitioner has been adjudged juvenile and is in custody since 21.03.2019 having no criminal antecedent. It is further submitted that petitioner's father is ready to undertake that the petitioner will not be allowed to fall in bad company after his release.

Learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioner that the petitioner has been adjudged juvenile, he is in observation home for more than two years, the trial is not likely to be concluded in near future and the name of the petitioner has transpired in the confessional statement of the co-accused, the co-accused has already been granted bail and one of them



Santav Ranjan Singh @ Shantav Ranjan Singh @ Sagar Singh in Cr. Misc. No. 48958 of 2019 and another co-accused has been granted bail in Cr. Appeal (SJ) No. 4152 of 2019, so far as this petitioner is concerned, he has no criminal antecedent, the social investigation report does not disclose that the petitioner is in any bad company though the Probation Officer has recommended that the petitioner must be kept in strict guardianship, in the nature of the materials and the submissions placed before this Court, the impugned order is set aside.

Let the petitioner above named be released 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-Special Judge (Kishore), Purnea and Juvenile Justice Board, Purnea in connection with K. Hat (Madhubani) P.S. Case No. 186 of 2019 arising out of Special Case No. 026 of 2020, G.R. No. 855 of 2019 in Special (Kishore) Case No. 02 of 2020/C.I.S. No. 02 of 2020.

One of the sureties would be the father of the petitioner who shall also undertake that while on bail the petitioner shall not be allowed to fall in bad company and he would otherwise not be allowed to come in contact with the



family of the victim and shall attend the trial on each and every date fixed in the matter.

The Probation Officer shall also be vigilant and will periodically submit his report to the Juvenile Justice Board, Purnea 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'.

