

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.26 of 2021

Arising Out of PS. Case No.-79 Year-2019 Thana- NAWANAGAR District- Buxar

Vikash Kumar, aged about 17 years, male, through Vijay Kumar Singh @ Bijay Kumar Singh, aged about 50 yrs, male, son of late Suba Singh, in the capacity of father Natural Guardian of Minor who is and has been declared minor by the Juvenile justice Board, son of Vijay Kumar Singh @ Bijay Kumar Singh, Resident of Village-Ikil, P.S.-Nawanagar (Sonbarsa O.P.), District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque, Advocate
For the State : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 10-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Md. Ataul Haque, learned counsel for the petitioner and Mr. Raj Kishore Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Navanagar (Sonbarsa) PS Case No. 79 of 2019 dated 12.03.2019, instituted under Sections 394 of the Indian Penal Code and 27 of the Arms Act, 1959.

4. This is the second attempt for bail by the petitioner as earlier such prayer in Cr. Revision No. 1366 of 2019 was withdrawn on 29.06.2020 as the criminal antecedent was not



correctly disclosed.

5. The allegation against the petitioner is that he along with others had tried to loot the informant's box in which there was cash of about rupees one lakh and upon protest, one person fired from the pistol which hit the informant's left hand.

6. Learned counsel for the petitioner submitted that the petitioner is a juvenile and has been falsely implicated in the present case. It was submitted that there is another case against the petitioner which was instituted the same day under the Arms Act and in which he is on bail. Learned counsel submitted that he is not named in the FIR. It was submitted that in the present case, he has been remanded from Navanagar PS Case No. 80 of 2019 which has been instituted under Sections 25(1-B)(a)/26/35 of the Arms Act, 1959. Learned counsel submitted that there is no recovery of any looted article either from his possession or from his house. It was submitted that there has been no Test Identification Parade (TIP) and the petitioner being a juvenile has been granted bail in the other case on 13.06.2019 in Cr. Appeal No. 33 of 2019. Learned counsel submitted that the petitioner is in the Observation Home since 05.04.2019. It was submitted that the petitioner has been declared minor by the Juvenile Justice Board, Buxar on 12.07.2019 and co-accused



Prakash Rai, who is a major, has been granted bail by a coordinate bench by order dated 27.09.2019 in Cr. Misc. No. 49997 of 2019. Learned counsel submitted that the father of the petitioner undertakes to keep him under his care and also ensure that he would not come in association of any known criminal or be exposed to moral or psychological danger.

7. Learned APP submitted that the petitioner is accused of forcibly trying to loot cash of about rupees one lakh and was also party to the shooting on the informant causing injury in his left hand.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Buxar in Navanagar (Sonbarsa) PS Case No. 79 of 2019, subject to the conditions (i) that one of the bailors shall be the father of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory



provisions, tamper with the evidence or influence the witnesses.
Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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