

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.414 of 2020

Arising Out of PS. Case No.-123 Year-2018 Thana- AMAS District- Gaya

GUDDU KUMAR S/o Rampravesh Yadav under the guardianship of his father namely Rampravesh Yadav S/o Banshi Yadav R/o village-Bihargain Tola Dumarigarh, P.S.-Raushanganj, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra, Adv.
For the Respondent/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 04-03-2021 Heard the learned counsel for the petitioner and Ms. Anita Kumari Singh, learned APP for the State.

The present revision application has been preferred against the order dated 01.06.2020 passed by the learned court of Special Judge (Children Court), Gaya, in Criminal Appeal (Juvenile) No. 80 of 2019 (C.I.S.) as well as the order dated 30.08.2019 passed by learned court of Principal Magistrate, J.J.B. Gaya in P.S.Case No. Amas 123/18 (G.R.No. 2069 of 2019) Misc. No. 173 of 2019, whereby and whereunder the learned Juvenile Justice Board, Gaya has rejected the prayer for bail of the petitioner under Juvenile Justice (Care & Protection of Children) Act, which



the learned appellate court has upheld under the order dated 01.06.2020.

The allegation is regarding unknown accused persons having committed loot of a sum of Rs. 25,00,000/- from the employee of Toll Plaza in question, while he was going to deposit the same at the Punjab National Bank.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is languishing in observation home since 02.06.2019 and till date, no Test Identification Parade has been held so as to connect him with the alleged crime. It is further submitted that the name of the petitioner has transpired in the present case upon confessional statement having been made by the co-accused person, namely, Abhishek Kumar, and the said Abhishek Kumar has already been granted bail by a coordinate Bench of this Court vide order dated 23.01.2020 passed in Criminal Revision No. 1324



of 2019.

Per contra, the learned APP for the State has submitted that the petitioner is having a bad antecedent inasmuch as he is an accused in three other cases and the social investigation report indicates that the petitioner has association with known criminals, hence, it would not be in the interest of justice to grant bail to the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also those available in the case dairy, this Court finds that no Test Identification Parade has been held so as to connect the petitioner with the alleged crime and moreover, the accused person, on whose confessional disclosure, the petitioner's name has transpired in the present case, has already been granted bail by a coordinate Bench of this Court, hence, I deem it fit and appropriate to grant the privilege of bail to the petitioner herein. Consequently, this Court finds that the impugned



order dated 01.06.2020 passed by the learned court of Special Judge (Children Court), Gaya in Criminal Appeal (Juvenile) No. 80 of 2019 (C.I.S.) and the one dated 30.08.2019 passed by learned court of Principal Magistrate, J.J.B. Gaya in P. S. Case No. Amas 123/18 (G.R.No. 2069 of 2019) Misc. No. 173 of 2019, suffer from failure to exercise jurisdiction vested in law, therefore, there is error apparent on the face of the record and the same depicts non-consideration of the relevant materials available on record as also the provision of law.

Accordingly, the impugned order dated 01.06.2020 passed by the learned court of Special Judge (Children Court), Gaya in Criminal Appeal (Juvenile) No. 80 of 2019 (C.I.S.) and the one dated 30.08.2019 passed by learned court of Principal Magistrate, J.J.B. Gaya in P. S. Case No. Amas 123/18 (G.R.No. 2069 of 2019) Misc. No. 173 of 2019 are set aside.

Thus, the petitioner herein is directed to be released from the Remand Home on his furnishing



bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Juvenile Justice Board, Gaya in Amas P.S.Case No. 123 of 2018 (G.R. No. 2069 of 2019) Misc. No. 173 of 2019, subject to the condition that:-

One of the bailors of the petitioner shall be his father/ mother who at the time of filing of the bonds, shall also give an undertaking that he/ she will take good care of the petitioner and in case, petitioner does not act as per his/ her advice, he/ she shall report the matter to the officer-in-charge of the concerned police station and further during period of bail, the petitioner will be under the supervision of concerned Probation Officer.

This revision application stands allowed on the aforesaid terms.

(Mohit Kumar Shah, J)

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