

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.6 of 2021**

Arising Out of PS. Case No.-62 Year-2019 Thana- KORANSARAI District- Buxar

MANISH DUBEY S/o Sanjay Dubey under the guardianship of his mother Manju Devi wife of Sanjay Dubey Resident of Village-Lahana, P.S- Koransarai, District-Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate
	:	Mr. Rakesh Kumar Sharma, Advocate
For the Respondent/s	:	Mr. Amit Kumar Rakesh, APP

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

4 17-08-2021 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 Mr. Ramakant Sharma, learned senior counsel assisted by Mr. Rakesh Kumar Sharma, learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking to aside the order dated 09.09.2020 passed by the learned Additional District & Sessions Judge-I-cum-P.O. of the Children Court and Special Judge, Buxar by which the learned court has rejected the prayer for regular bail of the petitioner in connection with Case No. Child 7 of 2020 arising out of Koran Sarai P.S. Case No. 62 of 2019 registered for the offences punishable under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(i)(r)

(s)/3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) [SC/ST (POA)] Act.

Learned senior counsel for the petitioner submits that petitioner is a juvenile. On the alleged date of occurrence he was aged about sixteen years, six months and nine days. The allegation against him is that on the instigation by his father he along with one of his brother had shot dead the deceased. This petitioner had fired from the point blank range on the forehead of the deceased.

Learned senior counsel submits that the petitioner is a juvenile and has remained in the observation home since 15.07.2019, however, the trial in the children court has yet not begun and it is not likely to be concluded in near future. His mother is ready to give an undertaking that if released on bail the petitioner shall not be allowed to come in contact with persons having criminal antecedents.

On the other hand, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that in a case of land dispute at the alleged instance of his father, this petitioner had fired from pistol on the point blank range on the temporal region of the deceased. Pointing out to the observations of the learned Juvenile Justice Board and the learned Children Court, learned A.P.P. submits that in the given circumstance where his father is also an accused in the present case and the family is

facing a land dispute in which a murder has taken place, even otherwise the petitioner lacks guidance by his parents as is mentioned in the social investigation report, it would only be in the interest of the petitioner to keep him in the observation home at this stage.

Considering the facts and circumstances of the case, the petitioner being a juvenile, this Court would consider his prayer for bail keeping in view the principles of Parens Patriae. There is a land dispute in the family of the petitioner and his father is also an accused in the present case, the allegation against the petitioner is that he had shot from the point blank range on the temporal region of the deceased on the instigation of his father, this Court is of the considered opinion that release of the petitioner on bail at this stage is likely to put him in danger of his life and chances would be there that the petitioner fell in bad company and as such it would be in the interest of justice to keep him in the observation home itself. This Court, therefore, finds no reason to interfere with the impugned order.

This application fails.

(Rajeev Ranjan Prasad, J)

Rishi/-

U		T	
---	--	---	--

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'.