

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.59 of 2021**

Arising Out of PS. Case No.-195 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

ROHTI YADAV @ ROHIT KUMAR (minor) S/o Mofil Yadav through his father and natural guardian Mofil Yadav, R/o Village- Vangaon, P.S.- Lodipur, Distt- Bhagalpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi, Advocate
For the Respondent/s : Mr.Ajay Kumar Jha, APP

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

3 31-08-2021 Heard learned counsel for the petitioner and Mr. Ajay Kumar Jha, learned A.P.P. for the State.

Petitioner, in the present case, is seeking setting aside the order dated 07.07.2020 passed by learned Special Judge (Children) Bhagalpur in connection with Special (Children) No. 06/2020/Mojahidpur (Babarganj) P.S. Case No. 195/2019 registered for the offence under Section 147, 148, 149, 342, 324, 302, 326 of the Indian Penal Code and Section 27 of the Arms Act as well as Section 3(1)(r)(s)/3(2) & (va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (in short the “SC/ST Act”).

Learned counsel for the petitioner submits that as per the prosecution story, about 8-10 boys had switched off the street-light when the girls and other women were going to

participate in the marriage of one Ashish Sharma. This was protested whereupon all the boys gathered, they indulged in the business of illicit liquor and it is alleged that in presence of the informant co-accused Pankaj Choudhary called his friends and all of them surrounded the informant and her husband, they were armed with pistols. The specific allegation of firing is there against co-accused Rakesh Choudhary, Manish Choudhary and Sudhir Choudhary upon the husband of the informant.

Learned counsel for the petitioner submits that this petitioner has been adjudged juvenile by the Juvenile Justice Board, Bhagalpur. There is no allegation of commission of overt act against him. The co-accused against whom there were no specific allegation have been granted bail by various Benches of this Court and one of the accused has been granted bail by this very Court in Cr. Appeal (SJ) No. 5204/2019.

As regards the Social Investigation Report, learned counsel submits that the petitioner has no criminal antecedent, he comes from a poor family and earns his livelihood by doing photography.

Mr. Ajay Kumar Jha, learned A.P.P. for the State has gone through the case diary and social investigation report. Learned A.P.P. has confirmed that this petitioner is not an

assailant as per F.I.R. and the co-accused who are not assailant have been granted bail earlier. Further the social investigation report reveals that the petitioner comes from a poor family and he has been earning his livelihood by doing photography in course of which he came in contact with the co-accused Manish Choudhary and his associates.

Considering the facts and circumstances of the case as noticed hereinabove, this court sets-aside the impugned order and directs release of the petitioner above-named 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, Bhagalpur in connection with Special (Children) No. 06/2020/Mojahidpur (Babarganj) P.S. Case No. 195/2019.

One of the sureties would be the father of the petitioner. He will also submit an undertaking in terms of the statements made before this Court in Paragraph '3' of the supplementary affidavit sworn by him.

The Probation Officer of the Juvenile Justice Board, Bhagalpur shall keep visiting the place of the petitioner and submit his periodical report to the Juvenile Justice Board.

If the petitioner is found involved in commission of

offence, the father of the petitioner shall bring it to the notice of
the nearest police station.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.