

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.33 of 2021

Arising Out of PS. Case No.-117 Year-2019 Thana- SHERGHATI District- Gaya

Rahul Kumar, S/o Gaya Yadav, R/o village- Lalloo Tola, P.S.- Dobhi, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kunwar Narayan Jamuar, Adv.
For the Respondent/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-03-2021 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 learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner, who is a juvenile, seeking to set aside the order dated 19.08.2020 passed by Special Judge (Juvenile Court), Gaya in Criminal Appeal (Juvenile) No.42/2020 (C.I.S.) filed by the petitioner against the order dated 12.06.2020 passed by the J.J.B, Gaya in connection with Sherghati (Dobhi) P.S. Case No.117/2019 registered under Sections 302/34 of the Indian Penal Code and Section 3(2) (v) of the SC/ST Act whereby and whereunder J.J.B., Gaya has rejected the bail application of the petitioner.



Learned counsel for the petitioner submits that the petitioner is a juvenile and he has been falsely implicated in this case. Learned counsel submits that the informant is said to be an eye witness but he has not identified this petitioner either at the time of alleged quarrel or in the CCTV camera. It is submitted that the petitioner has no criminal antecedent and he is in remand home since 27.07.2020.

Learned APP for the State is present and has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner is a juvenile, he has been falsely implicated in this case, the informant is said to be an eye witness but he has not identified this petitioner either at the time of alleged quarrel or in the CCTV camera and further submission that the Probation Officer has reported that the petitioner comes from a simple family and nobody has told him anything wrong about the petitioner, he is not in bad company and people told the Probation Officer that the petitioner is involved in study and his behaviour is also good, considering all these aspects of the matter the Court is of the considered opinion that the petitioner is not required to be kept in



institutional care home and his re-union with the family would be in his interest.

In the circumstances, the impugned orders are set aside. Let the petitioner abovenamed 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 Special Judge (Juvenile), Gaya in connection with Sherghati (Dobhi) P.S. Case No.117/2019. One of the sureties would be the father of the petitioner who will furnish an undertaking that while on bail he will not allow the petitioner to come in contact with any antisocial element or a person of criminal antecedent and that he will involve the petitioner in the study. The Probation Officer shall also be vigilant and will periodically submit his report to the Juvenile Justice Board, Gaya 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'.

