

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.15 of 2021**

Arising Out of PS. Case No.-104 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

XX	Versus	 Petitioner/s
THE STATE OF BIHAR		 Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Adv.
For the Respondent/s	:	none.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 04-03-2021 Heard learned counsel for the petitioner. No one appears on behalf of the State.

Though the petitioner has given full description in the application, it would be inappropriate to disclose his identity in view of section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Thus, he is being referred to in the cause title as XX.

This application has been preferred under the Juvenile Justice (Care & Protection of Children) Act, 2015 against the judgment dated 9.9.2020 in Cr. Appeal no. 28 of 2020 passed by the learned Additional District and Sessions Judge 1st -cum- Children Court, Buxar, whereby the appeal was dismissed affirming the order dated 6.6.2020 passed in J.J.B. case no. 650 of 2019 by the learned Principal Magistrate, J.J.B. Court, Buxar, rejecting the prayer for bail of this petitioner in connection with Buxar (Muffasil) P.S. Case no. 104 of 2019 registered under



sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated by the informant that the accused Shambhu Kumar Shukla took away his brother for some work and subsequently his dead body was discovered. The informant raises a suspicion that he is convinced that Shambhu Kumar Shukla has a hand in the murder of his brother.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. It is stated that by order dated 5.5.2020 passed in J.J.B. Case no. 650 of 2019 (Annexure-2) the petitioner has been declared to be a juvenile. In the confessional statement of accused Shambhu Kumar Shukla, the name of another accused Pawan Kumar Shukla transpired and it is in the confessional statement of Pawan Kumar Shukla, made before the police, that the name of the present petitioner transpired. It is submitted that the said Pawan Kumar Shukla has been enlarged on bail vide order dated 24.10.2019 passed in Cr. Misc. No. 47027 of 2019. Besides the petitioner being a juvenile, he is in custody since 14.10.2019 and investigation in the case has concluded.

Having heard learned counsel for the petitioner and in



view of the facts and circumstances of the case together with grant of bail to co-accused Pawan Kumar Shukla on whose confession, the name of the petitioner transpired and the petitioner being in custody since 14.10.2019, the Court is inclined to allow the instant application.

The application is allowed and the order dated 9.9.2020 passed in Cr. Appeal no. 28 of 2020 by the learned Additional District and Sessions Judge 1st-cum Children Court, Buxar as also order dated 6.6.2020 passed in J.J.B. Case no. 650 of 2019 by the learned Principal Magistrate, J.J.B. Court, Buxar are both set aside.

It is directed that on the undertaking given by his mother, the petitioner shall be enlarged on bail in connection with Buxar (Muffasil) P.S. Case no. 104 of 2019 on furnishing bail bond of Rs. 5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of the learned Principal Magistrate, J.J.B. Court, Buxar.

The revision application stands allowed.

(Partha Sarthy, J)

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