

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1482 of 2019

Arising Out of PS. Case No.-127 Year-2019 Thana- RIVILGANJ District- Saran

RAHUL RAY @ RAHUL KUMAR Under Guardian of Father namely
Parmanand Rai, Resident of Village - Auli Gachi, P.S.- Revilganj, Distt.-
Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Respondent/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 19-02-2021 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

The petitioner in this case is juvenile who is seeking to challenge the order dated 04.11.2019 passed by learned Additional District and Sessions Judge, 1st cum-Child Court, Saran at Chapra in Cr. (Juvenile Appeal No. 32 of 2019) as well as order dated 25.07.2019 passed by learned Principal Magistrate J.J. Board, Chapra in J.J.B. Case No. 943 of 2019 arising out of Revilganj P.S. Case No. 127 of 2019 for the offence punishable under Sections 302/34 of the Indian Penal Code. By the impugned orders the prayer for bail of the petitioner has been rejected.

Learned counsel for the petitioner submits that as per



the prosecution story, in the night the informant heard the sound of firing and cry of her husband. She ran towards her husband with torch and found her husband in pool of blood and she saw her villagers Praduman Rai and Rahul Rai escaping having pistol.

Learned counsel submits that the informant is not the eye witness to the occurrence and it is not specific that who has fired upon the deceased. It is further submitted that co-accused Praduman Rai has been granted privilege of regular bail in Cr. Misc. No. 41542 of 2019. The petitioner has been found aged about 17 years 16 days on the alleged date of occurrence and he has been falsely implicated due to land dispute.

Learned counsel submits that petitioner has passed the intermediate examination and will pursue his study outside the village if released on bail. It is further submitted that father of the petitioner undertakes to keep full vigil on the petitioner and will ensure that the petitioner may not fall in bad company.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but after going through the case diary and social investigation report he has informed this Court that there is no eye witness to the alleged occurrence as also that the petitioner has got no criminal antecedent and the



land dispute is an admitted fact.

Having regard to the facts and circumstances of the case, wherein it is submitted that the petitioner has been declared juvenile, the informant has not seen him firing upon her husband and because of land dispute, the informant claimed that she had seen the two accused named in the F.I.R. fleeing away, the co-accused has already been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 41542 of 2019 (Annexure-2), learned A.P.P. for the State has gone through the case diary and social investigation report and he has informed this Court that there is no eye witness to the alleged occurrence as also that the petitioner has got no criminal antecedent, the land dispute is an admitted fact, the petitioner has remained in the observation home since 25.07.2019 and according to learned counsel for the petitioner, the petitioner having passed intermediate examination would pursue his study outside the village and his father is ready to furnish undertaking to the effect that if released on bail, the petitioner shall be indulged in study and would not be allowed to come in contact with any person having criminal antecedent, let the impugned order be set-aside.

Let the above-named petitioner 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 Principal Magistrate, J.J. Board, Saran at Chapra in connection with J.J.B. Case No. 943 of 2019 arising out of Revilganj P.S. Case no. 127 of 2019 one of the sureties would be the father of the juvenile. The parent of the juvenile shall furnish an undertaking that on release from the observation home the parent shall ensure that he continue with his study outside the village as also that the parents shall keep full vigil on the juvenile and they would also ensure that the juvenile/petitioner does not fall in any bad company and in case of any adverse development the same shall be reported to the Juvenile Justice Board, Saran at Chapra.

The Probation Officer shall keep on visiting the residence of the petitioner and submit his observations/report to the Juvenile Justice Board, Saran at Chapra periodically.

This application is, thus, allowed.

(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'.

