

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1549 of 2019

Arising Out of PS. Case No.-68 Year-2019 Thana- BUNIYAD GANJ District- Gaya

CHIKU KUMAR @ VISHAL KUMAR son of Manoj Kumar, Resident of village, Gandhi Nagar, Manpur, P.S. Muffasil, Gaya, through guardian namely, Manoj Dubey.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Respondent/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 01-02-2021 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner, who is a juvenile has approached this Court through his father for his release from remand home where he has been lodged in connection with Buniyadganj P.S. Case No. 68/2019 under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, this petitioner along with other co-accused has killed the son of the informant and he was seen fleeing away from the place of occurrence.

It is submitted on behalf that the petitioner has been assessed as juvenile by the Juvenile Justice Board and his age as on the date of occurrence has been found to be less than



seventeen years. It is further submitted that the petitioner has been falsely implicated in this case due to dirty local politics and he is in observation since 08.08.2019.

The present criminal revision application has been filed against the judgement/order dated 23.11.2019 passed by Spl. Judge (Children Court), Gaya in Criminal Appeal (Juvenile) No. 79/2019 (C.I.S.), whereby the order dated 23.09.2019 passed by learned J.J.B. Gaya in connection with Buniyadganj P.S. Case No. 68/2019 under Sections 302/834 and Section 27 of the Arms Act, has been affirmed.

However, learned counsel for the State submitted that the petitioner is accused in Buniyadganj P.S. Case No. 204 of 2018 for attempt to murder along with other co-accused. It is further submitted that from perusal of the Social Investigation Report, it appears that the petitioner has got criminal antecedent.

There is nothing on record to suggest that if the petitioner is released from the remand home, he is likely to get into the association of known criminals and that his release would expose him to moral, physical and psychological danger thereby defeating the ends of justice.

The petitioner/juvenile is in remand home since 08.08.2019. The father of the petitioner/juvenile has assured



that good care shall be taken of the petitioner.

For the reasons aforesaid, the order dated 23.09.2019 passed by learned J.J.B., Gaya in connection with Buniyadganj P.S. Case No. 68/2019 rejecting the prayer of the petitioner/ juvenile for being released from juvenile home as well as order dated 23.11.2019 passed by the Spl. Judge (Children Court), Gaya in Criminal Appeal (Juvenile) 79/2019 (C.I.S.), affirming the aforesaid order, are set aside.

The petitioner/juvenile, above named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of J.J. Board, Gaya, in connection with Buniyadganj P.S. Case No. 68/2019.

(Prabhat Kumar Singh, J)

Saif/-

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

