

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1565 of 2019

Arising Out of PS. Case No.-89 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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VISHAL KUMAR Son of Anil Singh Resident of Village-Malpur, P.S-
Pipariya, District-Lakhisarai through his legal guardian namely Anil Singh
(father) S/o Late Bilaiti Singh, Resident of Village-Malpur, P.S.-Pipariya,
District-Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner/s : Mr. Ravi Kumar, Advocate
For the Respondent/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-02-2021 Heard learned counsel for the petitioner and Mr.
Abhay Kumar, learned A.P.P. for the State.

The petitioner in this case is juvenile who is seeking
to challenge the order/judgment dated 30.09.2019 passed by
learned District and Session Judge, Begusarai in Criminal
Appeal No. 107 of 2019 pertaining to G.R. No. 567 of 2019,
J.J.B. No. 134 of 2019 arising out of Begusarai Muffassil P.S.
Case No. 89 of 2019 registered for the offence punishable under
Section 394 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, while the informant was on way to his



house through motorcycle at 7.45 pm, he was intercepted by four miscreants, and they indulged in assaulting him by lathi and they snatched the motorcycle of the informant and his mobile.

Learned counsel submits that petitioner is innocent and has not committed any offence. It is submitted that his name has come in this case in confessional statement of co-accused. No incriminating material has been recovered from his possession. It is submitted that the petitioner has not been identified by anyone. It is further submitted that in the cases mentioned in paragraph '3' the petitioner has been made accused after this case. It is submitted that co-accused similarly situated Suman Kumar has been allowed privilege of regular bail in Cr. Misc No. 26063 of 2020.

Learned counsel submits that father of the petitioner undertakes that he would not allow the petitioner to fall in bad company if released on bail.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioner that the petitioner has been adjudged juvenile on the



alleged date of occurrence, his name has transpired in the confessional statement of the co-accused but till date he has not been identified and there is no recovery of any incriminating material from his possession, police has implicated him in the other cases mentioned in paragraph '3' after this case and that the co-accused similarly situated Suman Kumar has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 26063 of 2020 and that the father of the petitioner is ready to furnish undertaking that if released on bail, he would not allow the petitioner to come in contact with the persons 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 Juvenile Justice Board, Begusarai pertaining to G.R. No. 567 of 2019, J.J.B. No. 134 of 2019 arising out of Begusarai Muffassil P.S. Case no. 89 of 2019, one of the sureties would be the father of the juvenile. The parents of the juvenile shall furnish an undertaking that on release from the observation home the parents shall ensure 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, Begusarai.

The Probation Officer shall keep on visiting the
residence of the petitioner and submit his observations/report to
the Juvenile Justice Board, Begusarai 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'.

