

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.54 of 2022**

Arising Out of PS. Case No.-57 Year-2020 Thana- KHAGAUL District- Patna

XXX S/o Prem Rai R/o village- Choti Badalpura, P.S.- Khagaul, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
For the Respondent/s : Mr. Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 11-11-2022 Heard learned counsel for the petitioner and Mr. Md. Aslam Ansari, learned APP for the State.

Petitioner in this case is seeking setting aside of the order dated 17.12.2021 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge, Juvenile Court, Patna in Criminal Appeal No. 97 of 2021 arising out of Khagaul P.S. Case No. 57 of 2020 whereby and whereunder the order refusing bail to the petitioner dated 15.07.2021 passed in J.J.B. Case No. 71 of 2021 arising out of Khagaul P.S. Case No. 57 of 2020 registered under Sections 302/34 of the Indian Penal Code and section 27 of the Arms Act has been affirmed.

Learned counsel for the petitioner submits that on account of land dispute between the parties, the entire family of the petitioner had been made accused. The specific allegation of



causing firing upon the chest of the deceased is against this petitioner. However, it is a case of false implication. The co-accused Rocky Kumar @ Rocky Yadav has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 59732 of 2022.

Mr. Aslam Ansari, learned APP for the State submits that as per report received from the learned Juvenile Justice Board, the enquiry itself is likely to be concluded within three months. It is his submission that since the petitioner is said to be the main assailant and he is likely to be tried as an adult being more than 16 years of age, his release at this stage would not be in the interest of justice and if released, the life of the petitioner may be exposed to danger.

Having regard to the facts and circumstances of the case and having noticed that in the alleged occurrence, petitioner is said to be the main assailant and the enquiry itself is likely to be concluded within three months, this Court agrees with the submission of the learned APP for the State that release of the petitioner at this stage may expose him to the danger of his life and the interest of petitioner lies in keeping him in the protective custody. This Court, therefore, refuses to release the petitioner on bail at this stage.



Let the learned J.J.B. or the Children Court, as the case may be, conclude the enquiry/trial as early as possible and preferably within the given period as indicated hereinabove.

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'.

