

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 60 of 2022

Arising Out of PS. Case No.-580 Year-2017 Thana- SIWAN MUFFASIL District- Siwan

ROBIN MATHO @ ROBIN KUMAR Son of Hiralal Prasad Resident of Village - Rampur, P.s.- Siwan Mffasil, Distt.- Siwan. Under Guardianship of His Mother Pramila Devi , aged about 42 Year (F), W/o Hiralal Prasad , R/o Village - Rampur, P.s.- Siwan Muffasil, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Devendra Kumar Sinha, Sr Advocate with Mr Ajay Kumar Pandey, Advocate
For the Respondent/s	:	Dr Ajeet Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 23-03-2022

Heard learned counsel for the petitioner-revisionist and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

2 Petitioner-revisionist has preferred this Revision Application against the judgment dated 20.12.2021 passed by the Additional Sessions Judge I -cum- Special Judge, Siwan in Juvenile Trial No 5 of 2018 as well as judgment dated 25.04.2018 passed by the Juvenile Justice Board, Siwan in Siwan Mufassil Police Station (for brevity, *PS*) Case No 580 of 2017 instituted for the offence punishable under Sections 302/34 of Indian Penal



Code and Section 27 of the Arms Act, by which he has dismissed the appeal for grant of bail to the petitioner-revisionist and confirmed the order dated 25.04.2018 passed by Juvenile Justice Board, Siwan.

3 Since 18.12.2017, petitioner is stated to be in custody. The date, as per submission of learned senior counsel, has wrongly been recorded in the judgment dated 06.12.2019 passed in Criminal Revision No 987 of 2018 whereby and whereunder the prayer for bail was rejected earlier.

4 Allegation is that, along with one Karan Yadav, the petitioner-revisionist has called the informant's brother whereafter they fired upon him leading to his death. The petitioner was assessed as 17 years, 8 months and 23 days old on the date of occurrence. Submission is that the petitioner-revisionist is willing to submit an undertaking that he will not be involved in any criminal activity in future and in the instant case, the allegation is false and based on suspicion. Further submission is that from the First Information Report, it is evident that after Karan Yadav (co-accused) had fired two shots on the victim's temple, the petitioner-revisionist fired upon his neck. Petitioner-revisionist, even as per allegation, has fired upon the victim later. The first two gunshot injuries, even as per prosecution case, are attributed to co-accused



Karan Yadav. The petitioner-revisionist, as per disclosure made in paragraph 3 of the application, is having seven criminal antecedents and has been granted bail in two out of the seven cases.

5 Considering the period of custody and the fact that there is no progress at the trial, this Court had granted liberty to the petitioner-revisionist to move before an appropriate forum for grant of bail while disposing of his second revision application for bail bearing Criminal Revision No 591 of 2021, on 03.11.2021. Petitioner-revisionist, thereafter, has moved the Special Judge, Siwan and his prayer for bail was rejected under order dated 20.12.2021.

6 In these circumstances, report had been called for from the trial Court. From the report dated 21.02.2022 received from the trial Court, it is apparent that no witness has been examined till date. The petitioner-revisionist has remained in custody now for more than four years.

7 Learned senior counsel submits that father of the petitioner will take care of the petitioner and file an affidavit to this effect taking his responsibility.

8 Considering the aforesaid submissions and the period of custody of the petitioner and also the fact that there is no



progress in the trial whatsoever, subject to such undertaking being filed by the father of the petitioner, prayer for bail is allowed and judgment dated 20.12.2021 passed by Additional Sessions Judge I -cum- Special Judge, Siwan in Juvenile Trial No 5 of 2018 as well as judgment dated 25.04.2018 passed by the Juvenile Justice Board, Siwan in Siwan Mufassil PS Case No 580 of 2017 are set aside.

9 Let the petitioner-revisionist above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, Siwan in Siwan Mufassil PS Case No 580 of 2017.

10 This Revision Application is, accordingly, allowed.

11 Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.03.2022
Transmission Date	25.03.2022

