

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.188 of 2021**

Arising Out of PS. Case No.-56 Year-2020 Thana- SISWAN District- Siwan

SHASHI BHUSHAN YADAV Son of Sri Subhash Yadav Resident of Village- Izara, P.S.- Siswan (M.H.Nagar) through his mother, natural guardian namely Vidanti Devi, aged about 46 years (Female), Wife of Sri Subhash Yadav, resident of Village- Izara, P.S.- Siswan (M.H.Nagar), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner : Mrs.Vaishnavi Singh, Advocate
For the Respondent : Mrs.Renuka Ratnakar, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

3 14-02-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP for the State through virtual mode.

Learned Counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

This Criminal revision application has been preferred against the order dated 01.12.2020 passed by the Children Court-cum-1st Additional District & Sessions Judge, Siwan in Criminal Appeal No.26/2020, whereby the appeal filed by the



petitioner was dismissed against the order dated 19.08.2020 passed by the learned Juvenile Justice Board, Siwan, whereby and whereunder the Juvenile Justice Board, Siwan has rejected the prayer for bail of the petitioner in connection with J.E. Trial No.137/2020 arising out of Siswan (M.H. Nagar) P.S. case No.56/2020 registered under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that the accused persons including the petitioner fired upon the brother of the informant, namely, Surendra Singh, as a result of which he died.

Learned counsel for the petitioner submits that the petitioner is a juvenile and is in Remand Home since 18.06.2020. He has been falsely implicated in the present case. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner.

On behalf of the State, it has been submitted that there is one criminal case pending against the petitioner. The petitioner along with other co-accused is alleged to have made indiscriminate firing upon the deceased (brother of the informant). As per the postmortem report, two gun shot injuries were found on the head and abdomen of the deceased.

Having regard to the facts and circumstances of the



case, social investigation report of the petitioner was called for from the concerned Probation Officer by order dated 29.10.2021. The Probation Officer in his report has reported that upon inquiry it has transpired that release of the petitioner will be dangerous to his life and would expose him to physical, moral and psychological danger and hence his case falls under the proviso of Section 12 of the Juvenile Justice Act, 2015.

Considering the social investigation report submitted by the Probation Officer, I am not inclined to release the petitioner on bail. The criminal revision is dismissed.

The Juvenile Justice Board, Siwan is directed to take all necessary steps to expedite and conclude the trial, at the earliest, preferably within a period of nine months from the date of receipt/production of a copy of this order.

(Sudhir Singh, J)

Narendra/-

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