

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.161 of 2022

Arising Out of PS. Case No.-79 Year-2020 Thana- MALSALAMI District- Patna

(XXX) Son Of Sri Pappu Prasad Resident Of Bari Nagla, P.S.- Malsalami,
District - Patna, Through His Father And Natural Guardian Sri Pappu Prasad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Respondent/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-07-2022 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

The petitioner, in the present case, is seeking setting aside of the order dated 31.01.2022 passed in Criminal Appeal No. 153/2021 arising out of Malsalami P.S. Case No. 79/2020 by learned 1st Additional Sessions Judge – cum – Special Judge, Juvenile Court, Patna whereby and whereunder the learned Sessions Judge affirmed the order passed by the learned Juvenile Justice Board and rejected the prayer for bail of the petitioner.

As per the prosecution story, the informant has alleged that on 04.03.2020 while he was returning home from his shop with his staff, three unknown persons surrounded him and on the point of pistol, snatched his bag containing Rs.



1,50,000/-, ATM Card and voter ID as also the mobile.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner has been declared juvenile by learned J.J. Board, Patna assessing his age as 17 years 06 months and 20 days on the date of occurrence and he has been remanded in Chowk P.S. Case No. 191 of 2020 on 21.07.2020 and since then the petitioner is in judicial custody.

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

Having regard to the submissions and the materials available on the record, this court is of the considered opinion that there being several criminal antecedents of the petitioner and an adverse social investigation report pointing out that he has fallen in bad company and is getting involved in commission of crime one after another, the Court is not persuaded to interfere with the impugned orders. The principle of *parens patriae* requires that the petitioner be kept in place of safety so that steps for rehabilitation of the petitioner may be taken and he may be saved from falling into the company of habitual offenders.

This Court has been informed that the trial is pending



in the Children’s Court at Patna. It is expected that the learned court below shall proceed to conclude the trial as early as possible preferably within a period of six months from the date of communication of this order.

Subject to the above directions, this application stands dismissed.

(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'.

