

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.219 of 2022

Arising Out of PS. Case No.-118 Year-2020 Thana- PATNA CITY CHOWK 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

... .. Respondent

Appearance :

For the Petitioner/s	:	Mr. Patanjali Rishi, Advocate Mr.Pramod Kumar, Advocate
For the Respondent/s	:	Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-07-2022 Learned counsel for the petitioner submits that this

petitioner has attained majority, therefore, defect no. 6(12) is

required to be ignored.

Let the defect no. 6(12) be ignored.

Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned A.P.P. for the State.

The petitioner, in the present case, is seeking setting

aside of the order dated 21.01.2022 passed in Criminal Appeal

No. 159/2021 arising out of Chowk P.S. Case No. 118/2020 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 13.03.2020 while her husband was sitting at his jewelry shop, at about 5 O' Clock six boys came there on motorcycle and killed her husband by use of fire-arm, when she got information then she reached there and found that her husband had fallen on counter of the shop, thereafter she along with her family members brought her husband to N.M.C.H.

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 29 days on the date of occurrence and he is in custody since 21.07.2020.

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 once after another as also that this court has earlier refused to grant bail to the co-accused Sagar Yadav in



Cr. Misc. No. 63365/2021 and the co-accused Shiv Shankar Kumar @ Reyance in Cr. Misc. No. 3562/2021, 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.)

Rajeev/-

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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'.

