

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.421 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- JIRADEI District- Siwan

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XXX son of Brij Kishor Pandit, resident of village: Thepaha Bazar, P.S.:
Ziradei, District – Siwan, under natural guardian of his father Brij Kishor
Pandit, son of Raghunath Pandit, resident of village – Thepaha Bazar, P.S. -
Ziradei, District – Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate
For the Respondent/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 20-06-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present application, seeking setting
aside the judgment/order dated 27.03.2021 passed by learned
Presiding Officer, Children Court – cum - 1st Additional
Sessions Judge, Siwan in connection with Criminal Appeal Case
No. 10/2021, arising out of Ziradei P.S. Case No. 05 of 2021
registered for the offence under Section 302/201/34 of the
Indian Penal Code. The appellate court has refused to enlarge
the petitioner on bail and affirmed the order of the learned



Juvenile Justice Board.

Learned counsel for the petitioner submits that in the present case the son of the informant was murdered and his dead body was found near Titra railway Dhala bridge. The informant suspected the hand of this petitioner and co-accused Dhananjay Kumar.

Learned counsel submits that later on Dhananjay Kumar, the co-accused, was arrested, who in his confessional statement named this petitioner, but save and except that confessional statement there is no other material against this petitioner.

It is further pointed out that the learned Juvenile Justice Board has conducted an inquiry with regard to the age of the petitioner and it has been found that the petitioner is a juvenile aged about 15 years and 9 months on the alleged date of occurrence. It is submitted that the petitioner has remained in the observation home since 11.01.2021 and considering the spirit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the “Act of 2015”) the petitioner deserves privilege of bail.

Learned counsel for the petitioner submits that the father of the petitioner is ready to stand as a surety and submit



an undertaking that if released on bail he will ensure that petitioner does not fall in any bad company henceforth.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that involvement of the petitioner has surfaced in commission of the alleged crime. It is further submitted that in the social investigation report it has come that though this is the first involvement of the petitioner in any crime but he seems to have fallen in bad company.

Having regard to the submissions noted hereinabove and upon finding that the petitioner has been declared juvenile aged below 16 years and in connection with this case he has remained in the observation home for about one and half year, his father is ready to furnish an undertaking that if released on bail he will ensure that the petitioner does not fall in bad company, this Court sets-aside the impugned judgment/order and directs release of the petitioner above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Siwan in connection with Zeradei P.S. Case No. 05 of 2021.

One of the sureties shall be the father of the juvenile who will also furnish an undertaking that he will ensure that the



petitioner does not fall in any bad company and in case it is found that the petitioner is getting involved in bad company and in any other offence, it will be his responsibility to bring it to the notice of the jurisdictional police station.

The Probation Officer attached to the Juvenile Justice Board, Siwan shall keep on submitting periodical report with regard to the petitioner and in case the petitioner is found getting involved in any offence he will bring it to the notice of the concerned police station.

This application stands disposed of accordingly.

(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'.

