

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.363 of 2022

Arising Out of PS. Case No.-130 Year-2020 Thana- MAHISHI District- Saharsa

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(XXX) Son of Vidyanand Yadav, Resident of Village - Galfaria, P.S.-
Bakhtiyarpur, Distt.- Saharsa, Under Guardianship of above named father
... .. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Prafull Chandra Thakur, Advocate
For the State : Mr. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 14-11-2022 Heard learned counsel for the petitioner and Mr.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking setting aside of the order dated 20.04.2022 passed by learned Additional Sessions-I-cum-Special Judge, Children Court, Saharsa in Cr. Appeal No. 13 of 2022 whereby and whereunder the order dated 09.02.2022 rejecting the prayer for bail of the petitioner passed by learned Juvenile Justice Board, Saharsa in JJB No. 436 of 2020 arising out of Mahishi P.S. Case No. 130 of 2020 registered under Sections 147, 148, 149, 302 of the Indian Penal Code and Section 27, 25(1-b)a, 26, 35 of the Arms Act has been affirmed.

Learned counsel for the petitioner submits that the petitioner has been adjudged juvenile aged about 17 years 8 months and 17 days on the alleged date of occurrence. It is submitted that at this stage when the petitioner has already remained in protective custody since 29.09.2021, he may be



released on bail subject to such terms and conditions as this Court deems just and proper.

On the other hand, Mr. Fahimuddin, learned APP for the State submits that on perusal of the social investigation report, it would appear that this juvenile (child in conflict with law) has got 5 criminal antecedents and all are of serious and heinous nature. It is submitted that this Court acting on the principle of *parens patriae* has to take care of the best interest of the child and in the given circumstance, the best interest lies in keeping him in the observation home at this stage so that he does not further fall in bad company.

This Court finds substance in the submission of learned APP for the State.

Considering the serious kind of criminal antecedents of the petitioner and the fact that he is being tried as an adult, this Court is of the view that his interest lies in keeping him in the observation home for the present.

This application is, thus, 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'.

