

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.389 of 2022

Arising Out of PS. Case No.-193 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

XXX son of Md. Maddu @ Ladle Kraishi R/O Village- Moulla Chak, P.S.-
Mojahidpur (Babarganj), District- Bhagalpur.

Under Legal Guardianship Of Father Namely Md. Laddu @ Ladle Kuraishi,
Aged About 53 Years, S/O- Md. Yasin, R/O Village- Moullachak, P.S.-
Mojahidpur, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Advocate

For the Respondent/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-08-2022 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Learned counsel for the petitioner is permitted to
make necessary corrections in paragraph '15' of the petition in
course of the day.

Petitioner, in the present case, is seeking setting aside
of the judgment dated 07.05.2022 passed by learned Additional
Sessions Judge-1 – cum – Special Judge (Children Court),
Bhagalpur passed in Criminal Appeal No. 11/2022 arising out of
Mojahidpur (Babarganj) P.S. Case No. 193/2021 (G.R. No.
2985/21), whereby and whereunder learned Court was pleased
to dismiss the criminal appeal of the petitioner. Petitioner is in
custody since 21.07.2021 having no criminal antecedent as



stated in paragraph '3' of the application.

As per the prosecution story, the informant alleged that while he was going to his house Hussainabad, his neighbours were standing in front of house of one Imtiaz started abusing him with filthy words. It is further alleged that on 19.07.2021 when he was going to Bazar and reached near the house of Md. Imtiaz then all the accused persons standing there and abused the informant on which he protested, thereafter, the accused persons took arms from inside the house of Zeba and started firing upon him. On hearing the sound of firing, his daughter came out of the house, who was pregnant of eight months, to save the informant, then Md. Intesar fired one shot which hit the abdomen of his daughter thereafter all the accused persons fled away. The informant took his daughter for treatment at Mayagant Hospital but in the midway his daughter and eight months old child died.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner is a juvenile aged about 17 years 6 months on the alleged date of occurrence, however he is in custody since 21.07.2021.

Learned counsel submits that the father of the



petitioner is ready to stand as a surety and furnish an undertaking that he will take care of the petitioner and shall ensure his studies as well as that he would not fall in bad company and connect him with the mainstream of the society.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. Learned A.P.P. has, however not pointed out any adverse material from the social investigation report.

Having regard to the submissions and materials showing that the petitioner has been adjudged juvenile aged about 17 years 6 months approximately on the alleged date of occurrence, no active participation of the petitioner has been alleged, he has no criminal antecedent and the social investigation report of the petitioner is not showing any adverse material against him so as to dissuade this court for granting release of the petitioner on bail, as also that petitioner has remained in the Observation Home for more than one year and his father is ready to stand as a surety and furnish an undertaking that if released on bail he will take care of the study of the petitioner and shall ensure that he does not fall in bad company and, in case, the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station as also following the spirit of section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and in view of the exceptions



carved out by the Hon'ble Division Bench of this Court in the case of **Lalu Kumar and Ors. Vs. The State of Bihar reported in 2019 (4) PLJR 833** that classification of the offences under the bailable and non-bailable sections would not be relevant for purpose of grant of bail to a juvenile and the prayer for bail of a juvenile may be rejected only under one of the three conditions as under:-

- “(i) The release is likely to bring that person into association with any known criminal;*
- (ii) The release is likely to expose the said person to moral or physiological danger; and*
- (iii) The release would defeat the ends of justice.”*

this court sets-aside the impugned order and directs release of the petitioner 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, Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 193/2021 (G.R. No. 2985/21) .

One of the sureties should be the father of the petitioner and he will also furnish an undertaking in terms stated here-in-above.

The Probation Officer shall keep on visiting the place of the petitioner and shall submit periodical report to the Juvenile Justice Board, Bhagalpur as regards the conduct of the



petitioner. If anything adverse is found against the petitioner, the same will also be reported to the Board for necessary action.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(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'.

