

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.443 of 2022

Arising Out of PS. Case No.-35 Year-2021 Thana- BHAWANIPUR District- Purnia

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XXX, S/o Md. Mumtaz @ Mumtaz Khan, Resident of Village- Chhoti Bhandsar, P.S.- Bhawanipur, District- Purnea, the father of the petitioner is the natural guardian namely Md. Mumtaz @ Mumtaz Khan aged about 45 years male son of Sakir Khan, resident of village- Chhoti Bhandsar, P.S.- Bhawanipur, District- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Respondent/s : Mr.Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 16-08-2022 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking setting aside of the judgment dated 07.06.2022 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Purnea in Cr. Appeal No. 16 of 2022 by which the learned Court has been pleased to refuse the prayer for bail of the petitioner affirming the order dated 19.04.2022 passed by the learned Juvenile Justice Board, Purnea in G.R. No. 726 of 2021 arising out of Bhawanipur P.S. Case No. 35 of 2021 registered for the offences punishable under Sections 302, 392, 201, 506/34 of the Indian Penal Code.



Learned counsel for the petitioner submits that as per the prosecution story, informant's father was killed by the three persons including the petitioner by putting *Gamchha* around his neck and threw the dead body in the maize field.

Learned counsel submits that as per the First Information Report, the informant is not the eye witness to the alleged occurrence and the petitioner has been made accused only on the basis of suspicion.

It is submitted that the petitioner has been declared juvenile assessing his age to be 15 years, 01 month, 18 days on the alleged date of occurrence.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that in the social investigation report it has come that the petitioner has fallen in bad company. It has further come that the petitioner was consuming smack/drug and the co-villagers have stated about his involvement in consumption of liquor and other intoxicating drug.

Having regard to the materials present in the social investigation report saying that the petitioner has fallen in bad company and he was using smack/drug as also that the co-villagers have stated about his involvement in consumption of



liquor and other intoxicating drug, this Court is of the considered opinion that the petitioner is required to be kept in the observation home at this stage.

This application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

