

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.444 of 2022**

Arising Out of PS. Case No.-391 Year-2021 Thana- KOTWALI District- Munger

XXX S/O Md. Akbar Resident of- Nayagaon, P.S.- Kotwali (Basudeopur O.P), District Munger Under The Guardianship of His Father Namely Md. Akbar @ Md. Akabr, Resident Of Village- Nayagaon (Shyampur), P.S.- Kotwali (Basudeopur O.P), District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 18-11-2022 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

Petitioner in this case is seeking setting aside of the order dated 05.03.2022 passed by learned court of Special Judge (Children Court)-cum-A.D.J.-1st, Munger in J.J.B. Case No. 82 of 2021 arising out of Kotwali P.S. Case No. 391 of 2021 registered under Sections 302/120(B)/34 of Indian Penal Code and 27 of the Arms Act whereby and whereunder the prayer for bail of the petitioner has been rejected.

Learned counsel for the petitioner submits that as per prosecution story, the deceased was at his home when this petitioner called him and took him to a grocery shop of Gautam Kumar. It is alleged that the associates of the petitioner namely



Vikki Kumar, Bipin Sao and son of Ganesh Sao were present there and all were armed with weapons. It is further alleged that all including the petitioner started making indiscriminate firing upon the deceased which caused several gun-shot injuries upon him and he died.

Learned counsel submits that the petitioner has been declared juvenile vide order dated 01.12.2021 as his age was ascertained to be 17 years 11 months and 10 days on the date of occurrence. It is submitted that there is no eye-witness of the occurrence and the father of the petitioner is ready to keep the petitioner in strict vigilance and provide him a suitable atmosphere to make him a respectable citizen.

On the other hand, learned APP for the State submits that the petitioner in this case is being tried as an adult for commission of heinous offence. It is submitted with reference to the materials present in the social investigation report that his release at this stage is likely to cause tension in the society and he would be exposed to danger.

Having regard to the facts and circumstances of the case and the opinion of the Probation Officer in the social investigation report saying that there are chances of mounting of tension in the society and the life of the petitioner will be



exposed to danger, this Court is of the opinion that the interest of the petitioner lies in keeping him in the observation home/place of safety, as the case may be, for the present.

Let the Children’s Court conclude the trial as early as possible.

This application stands disposed of accordingly.

(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'.

