

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.564 of 2021

Arising Out of PS. Case No.-88 Year-2020 Thana- NAVINAGAR District- Aurangabad

XXX (Minor), son of Binda Singh Under Guardianship of own elder brother,
Mukesh Kumar Singh, Son of Binda Singh, Village- Simari Jaitiya, P.S-
Nabinagar Dist- Aurangabad (BIHAR)

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 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 APP for the State.

This revision application is directed against the order
dated 07.07.2021 passed by 1st Additional Sessions Judge-cum-
Special Judge Children Court, Aurangabad in Cr. Appeal No.
21 of 2021/16 of 2021 whereby and whereunder the order dated
08.03.2021 rejecting bail of the petitioner by learned Juvenile
Justice Board, Aurangabad in G.R. No. 668 of 2020, J.J.B. No.
569 of 2021 arising out of Nabinagar P.S. Case No. 88 of 2020
registered for the offences punishable under Section 25(1-b)a/26



of the Arms Act has been affirmed.

Learned counsel for the petitioner submits that the petitioner has been declared juvenile by learned Juvenile Justice Board, Aurangabad aged 13 years 04 months and 17 days only on the alleged date of occurrence.

It is submitted that allegedly the Police has recovered one pistol and two live cartridges from the house of the petitioner and he confessed before the Police regarding involvement in the murder of Nishant Kumar for which Nabinagar P.S. Case No. 83 of 2020 has been registered.

Learned counsel submits that the petitioner has remained in the observation home for more than two years and his father and brother both are ready to give an undertaking that if released on bail the petitioner shall not be allowed to indulge in any unlawful act and all care will be taken that he does not fall in the company of anti-social elements and in case the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that the petitioner has been declared juvenile by the Juvenile Justice Board,



Aurangabad on 18.09.2020 and on the alleged date of occurrence, he was 13 years 04 months and 17 days old only, he has remained in the observation home for more than two years and his father and brother both are ready to stand as surities and furnish an undertaking as mentioned hereinabove, this Court sets aside the impugned 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, Aurangabad in connection with G.R. No. 668 of 2020, J.J.B. No. 569 of 2021 arising out of Nabinagar P.S. Case No. 88 of 2020.

And further condition that the sureties shall be the father and brother of the petitioner they will also furnish an undertaking that if released on bail the petitioner shall not be allowed to indulge in any unlawful act and all care will be taken that he does not fall in the company of anti-social elements and in case the petitioner indulges in any unlawful act, they will inform it to the jurisdictional police station.

And it is further ordered that the Probation Officer attached to the Juvenile Justice Board, Aurangabad shall keep a vigil over the petitioner and will be submitting his periodical



reports to the Juvenile Justice Board as regards the conduct of
the petitioner.

This application stands disposed of accordingly.

(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'.

