

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.609 of 2021

Arising Out of PS. Case No.-299 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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XXX Son Of Ramvinod Mahato Under Natural Guardian Of His Father
Namely Ramvinod Mahato, Residence Of Village- Bhediya, P.S.- Gopalganj
Town, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Gautam Kumar Yadav, Advocate
For the Respondent/s : Mr.Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-06-2022 Learned counsel for the petitioner is permitted to
remove all the defects as pointed out by the office withing four
weeks from today.

Heard learned counsel for the petitioner and Mr.
Shantanu Kumar, learned APP for the State.

The petitioner in the present case is seeking setting
aside of the order dated 25.06.2021 passed by learned
Additional District and Sessions Judge 1st Gopalganj in Cr.
Appeal No. 14 of 2021 whereby and whereunder order rejecting
prayer for bail of the petitioner passed by learned Juvenile
Justice Board, Gopalganj in Juvenile Enquiry Case no. 17 of
2021 arising out of Gopalganj P.S. Case no. 299 of 2020
registered for the offences punishable under Sections 363/365 of
the Indian Penal Code in which Section 302 IPC was added



later on has been affirmed.

Learned counsel for the petitioner submits that the First Information Report has been lodged by the maternal grandfather of the deceased Bittu Kumar. It is alleged that the deceased had gone to Siwan on a motorcycle to give money to one Umesh Chaudhary. After giving money, Umesh Chaudhary dropped the said Bittu Kumar on the road in front of Mukeri Tola village and thereafter Umesh Chaudhary went to his home but the grandson of the informant (since deceased) did not return home till 11:00 p.m. in the night whereafter the informant and his family members started searching him but he could not be traced till morning. The F.I.R. was, thus, lodged against unknown.

Learned counsel submits that in course of investigation, the name of the petitioner has transpired in the confessional statement of the co-accused and the police extracted confessional statement of the petitioner also.

It is further submitted that the petitioner has been adjudged juvenile by the learned Juvenile Justice Board. He has been declared aged about 15 years 11 months and 24 days on the alleged date of occurrence. Learned counsel submits that the petitioner is in observation home since 31st May 2020, though



during the pandemic period he was released and had been at home from 08.02.2021 to 16.08.2021. The petitioner thereafter again returned to juvenile home on 09.09.2021 since then he is there.

Learned counsel submits that although the allegations against the petitioner as per his confessional statement is that of causing assault on the deceased by a dagger, in identical kind of allegations against co-accused Raju Kumar a learned coordinate Bench of this Court has by following the judgment of the Hon'ble Division Bench of this Court in **Lalu Kumar & Ors. V. The State of Bihar reported in 2019 (4) PLJR 833** directed his release on bail.

Learned counsel submits that in this case the petitioner is less than 16 years of age and considering the maximum period for which he may be kept in the juvenile home under the scheme of the Juvenile Justice (Care and Protection of Children) Act 2015 (hereinafter referred to as 'the Act of 2015'), he may be handed over to his father who is ready to furnish an undertaking that if released on bail, he would ensure that his son does not fall in bad company and connects himself with the mainstream of the society. He is also ready to stand as a surety.

Learned APP for the State has opposed the prayer for



bail of the petitioner. It is submitted that the allegations against the petitioner is serious in nature but at the same time learned APP accepts that identically situated accused Raju Kumar has been granted bail by a learned coordinate Bench of this Court in the light of the judgment of the Hon'ble Division Bench of this Court in the case of **Lalu Kumar and Ors. (supra)**.

Having heard learned counsel for the petitioner and learned APP for the State, in the admitted age being 15 years 11 months and 24 days, the petitioner who is juvenile and has no criminal antecedents as also his father is ready to stand as a surety and to furnish an undertaking that if released on bail, he would ensure that the petitioner does not fall in bad company and remains connected to the mainstream of the society, this Court is of the considered opinion that the case of the petitioner would be covered by the ratio of the judgment of the Hon'ble Division Bench of this Court in the case of **Lalu Kumar and Ors. (supra)**, thus, following the spirit of Section 12 of the Act of 2015 and further following the observations of the judgment of the Hon'ble Division Bench, this Court sets aside the impugned judgment 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, Gopalganj in Juvenile Enquiry Case No. 17 of 2021 arising out of Gopalganj P.S. Case No. 299 of 2020 with condition that one of the sureties shall be the father of the petitioner who will also furnish an undertaking that he would ensure that the petitioner does not fall in bad company, he remains connected with the mainstream of the society and in case petitioner is found getting involved in any unlawful act the same will be reported to the jurisdictional Police Station.

And it is further ordered that the Probation Officer attached to the Juvenile Justice Board, Gopalganj 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)

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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'.

