

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.573 of 2021

Arising Out of PS. Case No.-344 Year-2016 Thana- MADHAURAH District- Saran

XXX under the natural guardianship of his father Shivji Rai, Resident of Village- Bardahiya Tola, Piparpati, P.S.- Marhowrah, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.D.K. Sinha, Sr. Advocate

Mr. Abhinay Raj, Advocate

For the Respondent/s : Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 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 19.08.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge Children Court, Saran at Chapra in C.C. Case No. 09 of 2021/Reg. No. 09 of 2021 arising out of Marhowrah P.S. Case No. 344 of 2016 registered for the offences punishable under Sections 447, 341, 323, 337, 325, 307, 302, 504/34 of the Indian Penal Code whereby and whereunder prayer for bail of the petitioner has been rejected. Petitioner has been held juvenile by the Juvenile Justice Board, Saran at Chapra on 09.03.2021.



Learned counsel for the petitioner submits that the petitioner has been found aged about 16 years 04 months on the alleged date of occurrence.

It is further submitted that the co-accused Parshuram Rai has already been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 46883 of 2016. The petitioner is in observation home since 05.05.2021 having general and omnibus allegation that the petitioner and the other co-accused assaulted Ramanand Rai with lathi and iron rod due to which, he fell down and became unconscious and died on way to P.M.C.H.

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

Having regard to the submission that this petitioner has been declared juvenile aged about 16 years 04 months on the alleged date of occurrence, the allegation against the petitioner and two other co-accused are general and omnibus, one of the co-accused Parshuram Rai has already been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 46883 of 2016, the petitioner has already remained in the observation home for more than one year and his maternal uncle who is deponent of this case is 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, 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 1st Additional Sessions Judge-cum-Special Judge Children Court, Saran at Chapra in connection with C.C. Case No. 09 of 2021/Reg. No. 09 of 2021 arising out of Marhowrah P.S. Case No. 344 of 2016.

And further condition that one of the sureties shall be the maternal uncle of the petitioner who is the deponent of this case and will also furnish an undertaking as stated hereinabove.

And it is further ordered that the Probation Officer attached to the Juvenile Justice Board, Saran at Chapra 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/-

U		T	
---	--	---	--

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'.

