

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.585 of 2021

Arising Out of PS. Case No.-97 Year-2020 Thana- BIHIA District- Bhojpur

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(XXXX) Son Of Santosh Kumar R/O Village- Osai, P.S.- Behiya, District-
Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Petitioner/s : Mr. Awadhesh Prasad Sinha, Advocate
For the Respondent/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-06-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by the Stamp Reporter

within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Bilash Roy Raman, learned APP for the State.

This revision application is directed against the order
dated 08.02.2021 passed by learned Additional Sessions Judge,
Bhojpur at Ara whereby and whereunder the order dated
16.09.2020 rejecting prayer for bail of the petitioner passed by
learned Juvenile Justice Board, Bhojpur at Ara in Juvenile
Justice Board Case No. 779 of 2020 arising out of Behiya P.S.
Case No. 97 of 2020 registered for the offence punishable under
Section 302/34 of the Indian Penal Code has been affirmed.

Learned counsel for the petitioner submits that the
informant alleged in his fardbeyan that his son (deceased) was



taken away from the house by co-accused and on the next day his dead body was found from a ditch.

Learned counsel submits that the petitioner has been adjudged juvenile on the alleged date of occurrence and in connection with this case, he has remained in observation home for over two years. It is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused Niket Kumar @ Deepu who has already been granted bail by a learned Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 2049 of 2021. It is his submission that the father of the petitioner 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.

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

Having regard to the materials placed before this Court and the submissions of learned counsel for the petitioner showing that the petitioner has been adjudged juvenile on the alleged date of occurrence, he is not named in the FIR, his name has transpired in the confessional statement of co-accused Niket



Kumar @ Deepu who had given the last call on the mobile of the deceased boy, the said Niket Kumar @ Deepu has been granted bail by a learned Co-ordinate Bench of this Court in Cr. Appeal (SJ) No. 2049 of 2021 vide order dated 05.08.2021 and in course of submission learned APP for the State has categorically submitted that except the confessional statement of the co-accused against the petitioner, there is no other material against him, the petitioner has remained in observation home for over 2 years, he has otherwise no criminal antecedent and his father is ready to stand as a surety and furnish an undertaking in terms stated hereinabove, 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 Child Trial Court Additional Sessions Judge-I-Cum-Children Court, Bhojpur in connection with Special Child Case No. 08 of 2020 arising out of Behiya P.S. Case No. 97 of 2020.

And further condition that one of the sureties shall be the father of the petitioner who 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, he will inform it to the jurisdictional police station.

And it is further ordered that the Probation Officer attached to the Juvenile Justice Board, Bhojpur at Ara 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'.

