

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.109 of 2021

Arising Out of PS. Case No.-484 Year-2019 Thana- SIKARPUR District- West Champaran

XXX, Son Of Kalim Ansari, Through His Maternal Uncle/Guardian Rahim Ansari, About 55y/M, Son Of Bhola Mian, Resident Of Village-Pipra, Ward No.-12, P.S- Shikarpur, District-West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Respondent/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 20-06-2022 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. Rajendra Singh, learned APP for the State.

Petitioner in the present case is seeking setting aside of the order dated 09.11.2020 passed by the learned 1st Additional Sessions Judge-cum-Children's Court, Bettiah, West Champaran in Cr.Appeal No.20 of 2020 affirming the order dated 19.08.2020 passed by the Juvenile Justice Board, West Champaran, Bettiah in J.J.B. Case No.570 of 2020 arising out of Shikarpur P.S. Case No.484 of 2019 registered under Sections 304-B/201/34 of the Indian Penal Code whereby and whereunder the prayer for bail made on behalf of the petitioner has been rejected.

Learned counsel for the petitioner submits that vide or-



der dated 24.06.2020 (Annexure-2) the petitioner has been adjudged juvenile aged about 15 years 2 months and 25 days. It is further submitted that the order determining the age of the petitioner is not under challenge before any competent court of law.

It is further submitted that the prayer for bail of the petitioner has been rejected by the learned Juvenile Justice Board and appeal preferred against the said order has been rejected by the learned Children Court on the solitary ground that the father of the petitioner has no control over him and he spent his time in the company of his friends in moving here and there and is devoting much time over the mobile phones. As regards his general conduct, the social investigation report does not record any adverse entry.

Learned APP for the State has though opposed the prayer for bail of the petitioner stating that in the case diary the age of the petitioner has been mentioned as 22 years but he is not in a position to deny the existence of the order (Annexure-2) passed by the Juvenile Justice Board, West Champaran, Bettiah by which the petitioner has been declared juvenile.

Having regard to the submissions noted hereinabove and on finding that the petitioner is a juvenile and has already spent more than two years in the observation home as also that his maternal uncle is ready to furnish an undertaking that if released



on bail he will take care of the petitioner and will not allow him to fall in the bad company, 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, West Champaran, Bettiah in connection with J.J.B. Case No.570 of 2020 arising out of Shikarpur P.S. Case No.484 of 2019. One of the bailors should be the maternal uncle of the petitioner and he will also furnish an undertaking that if released on bail he will take care of the petitioner and will not allow him to fall in the bad company.

The Probation Officer shall keep on visiting the place of the petitioner and shall submit periodical report to the Juvenile Justice Board, West Champaran, Bettiah as regards the conduct of the petitioner.

The 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'.

