

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.678 of 2021**

Arising Out of PS. Case No.-230 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

(XXX) Son of Devshankar Singh Resident of Village- Kushahar, P.S.- Tariyani, District- Sheohar, Under Guardianship of his father Devshankar Singh aged about 42 years (Male), Son of Satyanaraya Singh, Resident of Village- Kushahar, P.S.- Tariyani, District- Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Uday Kumar, Advocate
For the State : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 02-12-2022 Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking setting aside of the order dated 20.02.2021 passed by learned Sessions Judge, Sheohar in Cr. Appeal No. 02 of 2021 whereby and whereunder the order dated 15.12.2020 rejecting the prayer for bail of the petitioner by learned Juvenile Justice Board, Sheohar in J.J.B. Case No. 144 of 2020 arising out of Tariyani P.S. Case No. 230 of 2019 registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act has been affirmed.

Learned counsel for the petitioner submits that the petitioner has been declared juvenile. He has been found aged about 17 years 1 month on the alleged date of occurrence. It is



his further submission that the name of the petitioner has transpired in the statement of a spy and the co-accused Rupesh Kumar @ Rupesh @ Golu who also bears criminal antecedents like the petitioner has been granted bail vide Cr. Misc. No. 29795 of 2020. The petitioner is said to be in protective custody since 13.01.2020.

Mr. Md. Fahimuddin, learned APP for the State submits that in this case, the petitioner is being tried as an adult. No doubt, he is said to have been named by spy but sufficient materials have been found against him in course of investigation and this would be evident from the perusal of the statements of the witnesses present in the case diary. The petitioner has already been chargesheeted. It is submitted that the petitioner has got five criminal antecedents and with this case he is now involved in 6 cases out of which in at least two cases, he is facing allegations of committing murder.

Learned APP for the State further submits that considering the criminal antecedents of the petitioner, the best interest of the petitioner lies in keeping him for some more time in the protective custody during trial. It is pointed out that the co-accused has, though been granted bail but it does not appear from the order of the learned Co-ordinate Bench of this Court



that the Court was informed of the criminal antecedents of the said petitioner.

Having regard to the entire facts and circumstances of the case, considering that the petitioner is being tried as an adult, this is a case under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act and the petitioner is involved in 6 cases all are of serious nature, this Court is of the considered opinion that the best interest of the petitioner lies in presently keeping him in the observation home/place of safety as the case may be during the trial.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

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