

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.753 of 2021

Arising Out of PS. Case No.-204 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

XXX S/O- Nagendra Sah Through His Father Nagendra Sah R/o Village-
Balan Tola, P.S.- Mahindwara, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Respondent/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-06-2022 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 learned
A.P.P. for the State.

Petitioner, in the present case, is seeking setting aside of the judgment/order dated 09.07.2021 passed by learned 1st Additional Sessions Judge – cum – Special Judge, Children’s Court, Sitamarhi in Cr. Appeal No. 12/2021 preferred against the order dated 20.04.2021 passed in J.J. Board Case No. 1156/2021 arising out of Runnisaipur P.S. Case No. 204 of 2021 registered for the offence under Sections 420/34 of the Indian Penal Code and Section 30(a) and 41 of the Bihar Prohibition & Excise Act. Petitioner has one criminal antecedent as stated in paragraph ‘3’ of the application. He is in remand



home since 28.03.2021.

As per the prosecution story, on 28.03.2021 the informant has alleged that he got secret information that liquor businessmen Amarjit Kumar together with his brother-in-law (the petitioner) and some others were bringing consignment of illegal liquor on the occasion of Holi. The informant reached at village Bagahadi. The auto rickshaw was intercepted and two persons were apprehended who disclosed their name as Raja Kumar and Vijay Kumar. On search of the auto rickshaw altogether 27 liters of illicit liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been declared child in conflict with law by the learned J.J. Board, Sitamarhi by assessing his age as 17 years 2 months and 27 days on the alleged date of occurrence, however he is in observation home since 28.03.2021.

Learned counsel submits that his father is ready to stand as a surety and give an undertaking that if released on bail he would ensure that the petitioner does not get involved in commission of any crime and he would further ensure that the petitioner is duly involved either in his study or at work.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.



Having regard to the materials available on the record showing that the petitioner has adjudged juvenile aged about 17 years 2 months on the alleged date of occurrence, he is in observation home since 28.03.2021 and prior to the lockdown period he was engaged in studies and providing help to his father in running his shop at Kolkata but then he had fallen in bad company during the lockdown period and indulged in the alleged occurrence, considering that his father is ready to stand as a surety and give an undertaking that if released on bail he would ensure that the petitioner does not get involve in commission of any crime and he would further ensure that the petitioner is duly involved either in his study or at work and in case, the petitioner is found involved in any offence hereafter, he will immediately report to the jurisdictional police station, 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, Sitamarhi in connection with Runnisaidpur P.S. Case No. 204 of 2021.

Subject to condition that the one of the sureties shall be the father of the petitioner and will furnish an undertaking as



stated hereinabove.

The Probation Officer attached to the Juvenile Justice Board, Sitamarhi shall keep the vigil over the conduct of the petitioner and shall keep on submitting his periodical report to the Juvenile Justice Board, Sitamarhi.

The application stands disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

