

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.725 of 2021

Arising Out of PS. Case No.-98 Year-2019 Thana- GOPALPUR District- West Champaran

(XXX), Son of Prabhu Tiwari, Resident of Village- Gidha Chaubey Tola, P.S.-
Chanpatiya, District- West Champaran under the guardianship of his father
Prabhu Tiwari Son of Sukdev Tiwari.

... .. Petitioner

Versus

The State of Bihar.

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate.

For the Respondent/s : Mr. Md. Fahimuddin, APP.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 29-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking setting aside of the order dated 09.11.2020 passed by learned 1st Additional District & Sessions Judge, Child Court, Bettiah, West Champaran in Criminal Appeal No. 07 of 2020 whereby and whereunder the order dated 24.01.2020 rejecting the prayer for bail of the petitioner passed by learned Juvenile Justice Board, West Champaran at Bettiah in J.J.B. Case No. 608 of 2019 arising out of Gopalpur P.S. Case No. 98 of 2019 registered for the offence punishable under Sections 413/414/34 of the Indian Penal Code has been affirmed.

Perused the report vide letter no. 204 dated 15.07.2022 received from the learned Additional Chief Judicial



Magistrate, 3rd-cum-Sub Judge, V, Bettiah, West Champaran. It appears on perusal of the report that in connection with the present case, the petitioner was on leave and he was allowed to go to his home during the pandemic period but he did not return. He remained outside the remand home unauthorisedly and was arrested by police in connection with Chanpatia P.S. Case No. 296 of 2021 in respect of the occurrence which took place on 06.06.2021. On 06.06.2021, the petitioner was more than 18 years old, therefore, he was remanded in judicial custody and was sent to the divisional jail. The Superintendent of Jail has reported that the petitioner has been involved in three other cases thereafter being Chanpatia P.S. Case No. 324 of 2021, Loria P.S. Case No. 36 of 2021 and Bettiah Nagar P.S. Case No. 46 of 2022. It is for this reason that in connection with the present case, he was not sent to the place of safety.

In paragraph '3' of the present application, the petitioner has disclosed altogether 6 cases which are said to be pending against him, however, on a comparative study of the report and the statement made in paragraph '3' of the petition, this Court finds that the petitioner has not disclosed about Loria P.S. Case No. 36 of 2021 and Bettiah Nagar P.S. Case No. 46 of 2022. In all fairness, if these cases were not there at the time of



filing of the application, then he should have brought it to the notice of this Court by filing a supplementary affidavit.

The social investigation report of the petitioner has been received. Mr. Fahimuddin, learned APP for the State submits that according to the social investigation report, the petitioner has fallen in bad company and is getting involved in commission of crimes.

In the aforementioned background, when this Court considers the present application, it is found that the learned court below has not committed any error in taking a view that the petitioner is in the company of bad elements and on his release on bail, he is again likely to fall in the same company and at this stage, his release on bail would not be justified.

This Court, therefore, finds no reason to interfere with the impugned judgment.

This application is dismissed.

(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'.

