

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.775 of 2021

Arising Out of PS. Case No.-113 Year-2021 Thana- AWTARNAGAR District- Saran

XXX represented through his mother Daulat Devi @ Daulati Devi, Wife of Dilip Kumar Rai, Resident of Village - Kazipur, Police Station - Doriganj, District - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 29-06-2022 Heard Mr. Ramakant Sharma, learned Senior Advocate assisted by Mr. Rajesh Kumar, learned Advocate for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

This revision application is directed against the order dated 16.11.2021 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (Children Court), Saran at Chapra in Cr. (Juvenile) Appeal No. 31 of 2021-Registration No. 31 of 2021 whereby and whereunder the order dated 18.09.2021 rejecting bail of the petitioner by learned Juvenile Justice Board, Saran at Chapra in J.J. Board Case No. 1063 of 2021 arising out of Awatar Nagar P.S. Case No. 113 of 2021 registered for the offences punishable under Sections 365 and 302/34 of the Indian Penal Code has been affirmed.

Learned Senior Counsel for the petitioner submits that as



per the First Information Report the informant's father went to purchase vegetables but did not return till night and his mobile was also found switched off. The FIR was registered against unknown.

Learned Senior Counsel submits that name of the petitioner has transpired in the confessional statement of co-accused during investigation.

Learned Senior Counsel further submits that the petitioner has been declared juvenile aged about 15 years 08 months and 04 days on the alleged date of occurrence by the Juvenile Justice Board, Saran, he has remained in the observation home since 20.03.2021. It is submitted that father of the petitioner is ready to stand as a surety and 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.

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

Having regard to the submissions noted hereinabove and on finding that the petitioner has been adjudged juvenile aged below 16 years and he has remained in the observation home for over one year as also that his father is ready to stand as a surety and furnish an undertaking as mentioned hereinabove, 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, Saran at Chapra in connection with J.J. Board Case No. 1063 of 2021 arising out of Awatar Nagar P.S. Case No. 113 of 2021.

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, Saran at Chapra 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)

vats/-

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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'.

