

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.773 of 2021

Arising Out of PS. Case No.-48 Year-2021 Thana- BHEJA District- Madhubani

XXX, Son of Dhrub Pradhan Resident of Village- Deep, P.S.- Jhanjharpur,
District- Madhubani, represented through his Mause Gauri Shankar Nayak,
aged about 38 Yrs, Male, Son of Sri Satya Narayan Nayak, Resident of
Village- Bhatti Chowk, P.S.- Rajnagar, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

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

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, Mr. Raghav Prasad, learned counsel for the
informant as well as Mr. Akhileshwar Dayal, learned APP for
the State.

This revision application is directed against the order
dated 03.11.2021 passed by learned 1st Additional Sessions
Judge, Madhubani in Cr. Appeal No. 31 of 2021 whereby and
whereunder the order dated 06.08.2021 rejecting bail of the
petitioner by learned Juvenile Justice Board, Madhubani in
Enquiry No. 1001 of 2021, G.R. No. 909 of 2021 arising out of
Bheja P.S. Case No. 48 of 2021 registered for the offences



punishable under Sections 341, 323, 324, 325, 326, 307, 379, 504, 506/34 and 302 of the Indian Penal Code has been affirmed.

Learned Senior Counsel for the petitioner submits that as per the First Information Report, this petitioner had assaulted one Ghananand Mahto, the elder son of the informant with iron rod on the leg repeatedly due to which his leg fractured. The allegation of giving a fatal assault upon the deceased Gopal Mahto is against co-accused Shyam Sundar Mahto.

Learned Senior Counsel further submits that the injury report of Ghananand Mahto would show that he had suffered one grievous injury on his tibia and the another injury on the leg was found simple in nature.

Learned Senior Counsel further submits that the petitioner has been declared juvenile aged about 15 years 04 months and 23 days on the alleged date of occurrence by the Juvenile Justice Board, Madhubani, he has remained in the observation home since 16.06.2021. It is submitted that the petitioner being less than 16 years of age, it is the Juvenile Justice Board who has to conduct the enquiry and the maximum period for which he may be kept in the observation home will be three years.



It is submitted that the petitioner has been falsely implicated in this case as he is residing in the village of his maternal grand-father and there because of enmity between the family of the maternal grand-father and his uncle, earlier also, the petitioner was implicated in Bheja P.S. Case No. 43 of 2020 registered under Sections 341,354A, 504 and 506/34 of the Indian Penal Code in which the Police did not find any material against him and submitted a final form in favour of the petitioner.

It is lastly 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.

On the other hand, Mr. Raghav Prasad, learned counsel for the informant as well as learned APP for the State have opposed the prayer for bail of the petitioner. The main contention of learned counsel is that the enquiry has taken in the Juvenile Justice Board and instead of considering the prayer for bail, this Court may direct the Juvenile Justice Board,



Madhubani to conclude the enquiry itself.

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, Madhubani in connection with Enquiry No. 1001 of 2021, G.R. No. 909 of 2021 arising out of Bheja P.S. Case No. 48 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, Madhubani 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'.

