

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.644 of 2021

Arising Out of PS. Case No.-177 Year-2021 Thana- GAYA MUFASIL District- Gaya

Raju Yadav Son of Shankar Yadav Resident of Village - Sudhi tola (Kurmi Tola), Police Station - Muffasil, District - Gaya (Bihar), Under the guardianship of his father namely Shankar Yadav, Son of Saerju Yadav, resident of Village - Manpur, Sudhi Tola, Police Station - Muffasil, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumar, S.I. - cum- officer- In Charge Mufassil Police Station, Dist.- Gaya. Bihar
3. The Public Central Siddharth High School, Janakpur, Manpur, Gaya through its Principal. Bihar
4. Manas Prabha Public School, through its Principal. Village - Rasalpur, P.S. Muffasil, anchal Manpur, District- Gaya

... .. Respondent/s

with

CRIMINAL REVISION No. 689 of 2021

Arising Out of PS. Case No.-38 Year-2020 Thana- GAYA MUFASIL District- Gaya

Raju Yadav S/O Shankar Yadav R/o village- Sudhi Tola (Kurmi Tola), P.S.- Muffasil, District- Gaya (Bihar), under the guardianship of his father namely Shankar Yadav, S/o Saerju Yadav, R/o village- Manpur, Sudhi Tola, P.S.- Muffasil, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumar, S.I. - cum- officer- In - Charge, Mufassil Police Station, Dist.- Gaya. Bihar
3. The Public Central Siddharth High School Janakpur, Manpur, Gaya Through its Principal Bihar
4. Manas Prabha Public School, through its Principal Village- Rasalpur, P.s. Muffassil, Anchal Manpur, District - Gaya,

... .. Respondent/s

with

CRIMINAL REVISION No. 35 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- GAYA MUFASIL District- Gaya



Raju Yadav Son of Shankar Yadav Resident of Village - Sudhi Tola (Kurmi Tola), P.S.- Msuffasil, Distt.- Gaya (Bihar), Under the Guardianship of his Mother Namely Gauri Devi , W/o shankar yadav Resident of Village - Manpur, Sudhi tola, P.s.- Muffasil, Distt.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raj Kumar, S.I.- cum- officer - In - Charge, Muffasil. Police Station, Dist.- Gaya. Bihar
3. The Public Central Siddharath High School, Janakpur, Manpur, gaya through its Principal. Bihar
4. Manas Prabha Public School, through its Principal. Village- Rasalpur, P.s.- Mufassil, anchal Manpur, District - Gaya.

... .. Respondent/s

Appearance :

(In CRIMINAL REVISION No. 644 of 2021)

For the Petitioner/s : Mr.Ram Kumar, Advocate
For the State : Mr.Ram Bilash Roy Raman, APP
For the O.P. Nos.3&4 : Mr. Shailesh Kumar, Advocate

(In CRIMINAL REVISION No. 689 of 2021)

For the Petitioner/s : Mr.Ram Kumar, Advocate
For the State : Mr.Ram Bilash Roy Raman, APP
For the O.P. Nos.3&4 : Mr. Shailesh Kumar, Advocate

(In CRIMINAL REVISION No. 35 of 2022)

For the Petitioner/s : Mr.Ram Kumar, Advocate
For the State : Mr.Ram Bilash Roy Raman, APP
For the O.P. Nos.3&4 : Mr. Shailesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

11 17-11-2022 These three cases have been mentioned by Mr. Ram Bilash Roy Raman, learned APP for the State saying that the District Education Officer, Gaya is present in these three cases with updated information.

Mr. Ram Kumar, learned Assisting Counsel to Mr. Manish Kumar No.2 admitted appearance for the petitioner in these three cases.

Mr. Shailesh Kumar, learned counsel appears on



behalf of the opposite party nos.3 and 4 in these three applications.

Cr.Rev. No.644 of 2021 has been preferred for setting aside the judgment dated 17.09.2021 passed by the learned Special Judge (Children Court), Gaya in Criminal Appeal (Juvenile) No.52 of 2021 (C.I.S.) arising out of Muffasil P.S. Case No.177 of 2021 (G.R. No.1691 of 2021, Misc.No.148/2021), which has been registered for offence under Sections 25(1-b) a and 26 of the Arms Act, whereby and whereunder the prayer for bail of the petitioner has been rejected.

Cr.Rev.No.689 of 2021 has been preferred for setting aside the judgment dated 18.09.2021 passed by the learned Special Judge (Children Court), Gaya in Criminal Appeal (Juvenile) No.54 of 2021 (C.I.S.) arising out of Muffasil P.S.Case No.38 of 2020 (G.R.No.236 of 2020, Misc. No.193/2021), which has been registered for offence under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, 2016 and Sections 25(1-b)a, 26/35 of the Arms Act, whereby and whereunder the prayer for bail of the petitioner has been rejected.

Cr.Rev.No.35 of 2022 has been preferred for setting



aside the judgment dated 02.11.2021 passed by the learned Special Judge (Children Court), Gaya in Criminal Appeal (Juvenile) No.66 of 2021 (C.I.S.) arising out of Muffasil P.S. Case No.175 of 2021 (G.R. No.1692 of 2021, Misc. No.215/2021), which has been registered for the offence under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act, whereby and whereunder the learned Special Judge has been pleased to affirm the order dated 08.09.2021 passed by the learned Juvenile Justice Board, Gaya and rejected the prayer for bail of the petitioner.

On 21.06.2022 when the case was taken up for consideration, this Court noticed from the records that apart from the present case the petitioner has huge criminal background of 11 other cases some of which are in the nature of heinous and serious offences.

Since learned counsel for the petitioner submitted that the learned Juvenile Justice Board has adjudged the petitioner a juvenile aged about 13 years 2 months 7 days on the alleged date of occurrence i.e. 06.04.2021 and placed reliance upon the order dated 03.07.2021 passed by the learned Juvenile Justice Board (Annexure- '2'), the conscience of this Court called for a report from the District Education Officer, Gaya with regard to



Annexure- '2' which was a document issued from his office. This Court noticed that no formal inquiry as to the juvenility of the petitioner was held by the Board and the only basis for declaration of juvenility was Annexure-2 which was a letter issued from the office of the District Education Officer, Gaya.

Thereafter, the District Education Officer, Gaya has appeared in person and informed this Court that his predecessor had issued the letter confirming the date of birth of the petitioner. This Court was disturbed that how a 13 years old boy will get involved in 11 cases of similar nature that too they said to be serious and heinous kind of cases. This Court has discussed these aspects in its order dated 18.07.2022.

Finally what has transpired upon the inquiry made by the District Education Officer, Gaya is that in the school admission register 2019 (Volume 1) at serial no.553, the name of this petitioner is mentioned but the column in which the name of the school previously attended is required to be filled up was blank. According to District Education Officer, this school represented to the District Education Officer that the petitioner was admitted in class IX on the basis of school transfer certificate of one Manas Prabha Public School affiliated to CBSE, New Delhi. In course of further enquiry, it has been



found that the school transfer certificate of Manas Prabha Public School is a forged and fabricated document and the same was not issued by the said school. Further enquiries have been made with regard to various other certificates, however those are not required to be discussed in this case.

Suffice it to note that in course of enquiry large number of schools have been found to be involved in issuing false date of birth certificates and in different way of modus operandi. Altogether 39 FIRs have been lodged by the District Education Officer, Gaya.

Finding the aforesaid aspect, this Court has already directed for registration of suo moto revision which have been registered as Suo Moto Cr.Rev. No.536 of 2022 and Suo Moto Cr.Rev.No.537 of 2022 which are on the cause list, but learned counsel for the petitioner has taken a plea that he has not received any instruction so far to appear in those two cases.

Be that as it may, considering the aforesaid aspect of the matter that the very school certificate of the petitioner is said to be based on an admission made on the basis of a forged certificate and the said matter is now sub-judice before this Court in the suo moto revision application as also considering the huge criminal antecedents, this Court finds that the



petitioner does not deserve privilege of bail. The best interest of
the petitioner lies in keeping him in the observation home.

All these applications are, thus, 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'.

