

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.7 of 2022

Arising Out of PS. Case No.-30 Year-2021 Thana- CHANAN District- Lakhisarai

XXX, Son of Puna Bind Resident of Village- Jankidih Beldariya, P.S.- Chanan, District- Lakhisarai under the guardianship of mother Jaytunama Devi, aged about 46 Yrs, Wife of Puna Bind, Resident of Village- Jankidih Beldariya, P.S.- Chanan, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Adv.

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 pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner in the present case is seeking setting aside of the order dated 10.09.2021 passed by the learned 1st Additional District and Sessions Judge-cum-Special Judge, Lakhisarai in Cr.Appeal No.26 of 2021 arising out of Chanan P.S. Case No.30 of 2021 whereby and whereunder the prayer for bail of the petitioner has been rejected.

Learned counsel for the petitioner submits that as per the prosecution story, the petitioner and the co-accused Akash



Bind who are co-villagers of the deceased had visited his house and asked him to accompany them on the pretext of participating in the Holi songs. It is alleged that the petitioner and the co-accused Akash Bind had taken away the victim boy who was later on found killed and his dead body was lying in the wheat field of one Suresh Yadav and a love affair between the sister of Akash Bind and the deceased is said to be the reason behind the alleged occurrence.

Learned counsel submits that this petitioner happened to be the cousin brother of co-accused Akash Bind. He has been adjudged juvenile aged about 14 years 3 months on the alleged date of occurrence. It is his further submission that in the social investigation report it has come that the petitioner is a student who has passed his matriculation examination in 1st division in the same year in which the alleged occurrence has taken place. There is no eye witness to the alleged occurrence and according to learned counsel, the petitioner has been involved in this case on mere suspicion.

Learned counsel further relies upon a judgment of the Hon'ble Division Bench of this Court in the case of **Lalu Kumar and Ors. Vs. The State of Bihar** reported in **2019(4) PLJR 833** to submit that in case of a juvenile the classification



of offences as bailable or non-bailable is totally immaterial and a juvenile deserves bail unless his case comes in the exception clause provided in the judgment of the Hon'ble Division Bench. It is submitted that as per the Probation Officer report the petitioner does not need an institutional care as he may very well be rehabilitated in his own house. The father of the petitioner is ready to stand as surety and furnish an undertaking that if released on bail he will ensure that the petitioner does not fall in the bad company and he pursues his studies to remain connected with the main stream of the society.

Learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that the petitioner has allegedly participated in the occurrence of killing of the son of the informant. Learned APP, however admits that there is no eye witness to the alleged occurrence.

Having regard to the submissions noted hereinabove, the fact that this petitioner is juvenile aged below 16 years, keeping in view the judgment of the Hon'ble Division Bench of this Court in the case of **Lalu Kumar** (supra) and the social investigation report of the petitioner, 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, Lakhisarai in connection with Chanan P.S. Case No.30 of 2021. One of the bailors should be the father of the petitioner and he will also furnish an undertaking that if released on bail he will ensure that the petitioner does not fall in the bad company.

The Probation Officer shall keep on visiting the place of the petitioner and shall submit periodical report to the Juvenile Justice Board, Lakhisarai as regards the conduct of the petitioner.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

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'.

