

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.10 of 2022

Arising Out of PS. Case No.-1266 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

XXX S/o Late Shivjee Prasad Gupta R/o Vill - Ambedkar Nagar Colony,
P.S. - Ahiyapur, District - Muzaffarpur. Under guardianship of B/o Jitendra
Kumar, Male, Age 27 years

... .. Petitioner

Versus

1. The State of Bihar
2. Pramod Kumar Rai S/o Rudal Rai Resident of vill.- Anand Vihar Colony,
Shahbazpur, P.S. - Ahiapur, Dist. - Muzaffarpur, Bihar.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Niranjana Parihar, Advocate
For the Respondent/s	:	Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-07-2022 Two weeks' time is granted to learned counsel for the
petitioner to remove the SR defects, as pointed out by office.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking setting aside of
the judgment/order dated 18.01.2021 passed in Ahiyapur P.S. Case
No. 1266/2019 registered for the offence under Section 302/34 of
the Indian Penal Code and Section 27 of the Arms Act by the
learned Additional District & Sessions Judge – 1st, Muzaffarpur
whereby the prayer for bail of the petitioner has been rejected.

Learned counsel for the petitioner submits that as per
the prosecution story the son of the informant was returning home
from Ahiyapur Police Station after giving meal to the informant at



about 9:45 P.M., on way near the Anand Vihar Colony he was shot at, as a result whereof he died.

Learned counsel submits that the petitioner has been adjudged juvenile aged about 17 years 02 months and 27 days on the alleged date of occurrence. It is further submitted that there is no eye witness to the alleged occurrence.

On the other hand, learned A.P.P. submits that in course of investigation it has come that this petitioner is the assailant, moreover at this age of 17 years he has got seven criminal antecedents and all are of serious and heinous nature. It is submitted that the criminal antecedents relates back to the year 2016 which shows that at a very tender age of about 11 years he had started committing crime.

It is further submitted that the learned A.D.J.-1, Muzaffarpur has noticed the social investigation report which suggests that the petitioner is required to be kept away from bad contacts. It is also submitted that from the impugned judgment, it appears that the informant has challenged the order by which the petitioner has been declared juvenile. Learned counsel for the petitioner submits that the said criminal appeal is still pending.

At this stage it is pointed out that one of the co-accused has been granted bail by the learned Children's Court.

Having regard to the submissions noted hereinabove



and the materials available on the record which are suggesting that the petitioner has fallen in bad company and is getting involved in commission of offences on regular basis, the social investigation report is also suggesting that he is required to be kept in the observation home to keep him away from the bad contacts, this Court is of the considered opinion that no illegality or infirmity may be found with the impugned judgment.

So far as the case of the co-accused who has been granted bail by learned A.D.J. - 1, Muzaffarpur vide order dated 24.01.2022 is concerned, on perusal of the same shows that he had no criminal antecedent and even in the confessional statement of this petitioner he was not said to be the assailant.

This application has, thus, no merit. It is dismissed, accordingly.

Certified copy of the order will be made available only after removal of the defects, as pointed out by office.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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'.

