

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.53 of 2023**

Arising Out of PS. Case No.-118 Year-2022 Thana- BHAGWANPUR District- Begusarai

Aman Kumar Son of Bipin Choudhary @ Bipin Kumar Choudhary, R/v- Dadpur, P.S.- Bhagwanpur, District- Begusarai being child in conflict of law represented through his father Bipin Kumar Choudhary, S/o Ramagya Choudhary, R/v- Dadpur, P.S.- Bhagwanpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Sharma, Adv.

For the Respondent/s : Mr. Umeshanand Pandit, APP.

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 04-05-2023**

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The present Cr. Revision Application has been filed against the order dated 18.11.2022 passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge Children's Court, Begusarai in Cr. Appeal No. 58 of 2022 and the order dated 02.09.2022 passed by learned Juvenile Justice Board, Begusarai in J.J.B. Case No. 199 of 2022 arising out of Bhagwanpur P.S. Case No. 118 of 2022 lodged under Sections 25(1-B)a/26 of the Arms Act pending vide G.R. No. 1997 of 2022.

Learned counsel for the petitioner submits that from the contents of F.I.R., it transpires that the recovery of one



*desi katta* with one live cartridge were made. He further submits that the petitioner was declared juvenile and he was assessed on the date of occurrence as 16 years, 3 months and 7 days. Learned counsel submits that the petitioner is behind the bar with effect from 23.06.2022 but produced before the J.J.B. on 23.07.2022, as such, the total period during which he gone behind bar is about 10 and ½ months. Learned counsel further submits that the presumption of innocence is in favour of the juvenile. He also submits that the father of petitioner is ready to take surety of his son and also ready to not to expose to moral, physical and psychological danger. Father of the petitioner assures to this Court that he shall do all the needful so that petitioner shall not involve in any offence in future.

Considering the allegation and upon going through the Social Investigation Report as well as Social Background Report and particularly in the light of undertaking given by the father of petitioner, I am of the view that petitioner should be released from observation home with condition that father of petitioner shall file undertaking that he shall take care of petitioner and petitioner shall not involve in any commission of crime in future.

Condition is hereby also imposed that the petitioner



alongwith his father shall periodically visit before the Probationer Officer twice in a month.

With this observation, the present Cr. Revision Application stands allowed and the order dated 18.11.2022 passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge Children’s Court, Begusarai in Cr. Appeal No. 58 of 2022 and the order dated 02.09.2022 passed by learned Juvenile Justice Board, Begusarai in J.J.B. Case No. 199 of 2022 arising out of Bhagwanpur P.S. Case No. 118 of 2022 (G.R. No. 1997 of 2022) are hereby set-aside.

**(Dr. Anshuman, J.)**

Ritik/-

|                   |  |
|-------------------|--|
| AFR/NAFR          |  |
| CAV DATE          |  |
| Uploading Date    |  |
| Transmission Date |  |

