

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.217 of 2021**

Arising Out of PS. Case No.-56 Year-2020 Thana- SISWAN District- Siwan

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Rohit Kumar @ Rohit Kumar Yadav S/o- Kamlesh Yadav R/o of Village - Izara, P.S. M.H. Nagar, District - Siwan under guardianship of His mother - Sita Devi, aged about -39 Years (F) W/O- Kamlesh Yadav, R/O village - Izara, P.S. - M.H. Nagar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.
For the Respondent/s : Mr. Uday Chand Prasad, APP

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

Date : 21-03-2023

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

The present Cr. Revision has been filed to set aside
the order dated 13.11.2020 passed by the Children Judge cum 1st
Addl. Sessions Judge -cum- Special Judge, Siwan in Cr. Appeal
No. 27/2020 as well as order dated 14.09.2020 passed by J.J.
Board, Siwan in J.E. No. 137 of 2020 arising out of
Siswan(M.H. Nagar) P.S. Case No. 56 of 2020 lodged by
informant Arjun Singh under Sections 302/34 of the I.P.C. read
with Section 27 of the Arms Act.

Counsel for the petitioner submits that petitioner
was declared juvenile and he is in remand home upon surrender
dated 18.06.2020. Counsel submits that Children Court-cum- 1st
Addl. Sessions Judge-cum- Special Judge, Siwan has passed an

order on 14.09.2020 in this present case by which the prayer for bail of the petitioner has been refused. Counsel for the petitioner submits that petitioner was in remand home since 18.06.2020 to 17.03.2021 and subsequently, from 04.09.2022, the total period in which he has been kept in Juvenile Board is approx 15 months. It has further stated by counsel for petitioner that at the time of considering bail by the J.J. Board and by the Appellate Court, the bail application of the petitioner were rejected.

Counsel further submits that in the F.I.R., the petitioner's father and other relatives made accused who were granted bail by the Co-ordinate Bench of this court under Section 437(3) of the Cr.P.C. Counsel further submits that S.I.R. report has not made adverse comment upon the character of the petitioner but it has only been reported that the petitioner was living with person who are with bad companion. It has been stated further that his father was also co-accused in this case. Though, there is no specific allegation against the petitioner in the F.I.R. but victim is being identified due to his death in this case. Counsel submits that the petitioner need physical, mental and psychological treatment, so that in future he may not commit the same crime.

Counsel further submits that criminal antecedent of the petitioner is not good and during period of bail, he has alleged to have committed another offence.

Counsel for the State opposes the prayer for bail

and submits that for the purpose of release of the petitioner, it need a greater restriction, so that reformation comes in favour of the petitioner.

In this background, let the petitioner is directed to release from observation home on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M., Siwan in connection with J.E. No. 137 of 2020 arising out of Siswan (M.H. Nagar) P.S. Case No. 56 of 2020 and the order dated 13.11.2020 passed by the Children Judge cum 1st Addl. Sessions Judge -cum- Special Judge, Siwan in Cr. Appeal No. 27/2020 as well as order dated 14.09.2020 passed by J.J. Board, Siwan in J.E. No. 137 of 2020 arising out of Siswan(M.H. Nagar) P.S. Case No. 56 of 2020 is hereby set aside.

With this observation, the present Cr. Revision application is hereby disposed of.

(Dr. Anshuman, J.)

prakashmani/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	