

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.121 of 2023

Arising Out of PS. Case No.-186 Year-2022 Thana- GWALPARA District- Madhepura

Babul Kumar Son of Nawal Kishore Yadav @ Nawal Yadav Under Legal Guardianship of Her Mother Namely Sangita Devi, R/O Village- Maharajganj, Ward No.15, P.S.- Gwalpara (ARAR O.P.), District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.
For the Respondent/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 22-03-2023

Present revision application has been filed against order dated 21.01.2023 passed by learned Ist Additional Sessions Judge-cum-Children Court, Madhepura in Cr. Appeal No. 46 of 2022 arising out of Gwalpara Police Station Case No. 186 of 2022 lodged under Sections 25(1-B)A, 26, 35 Arms Act.

Counsel for the petitioner submits that the name of the petitioner has figured in this case only on suspicion, as the police conducted raid on the secret information, where petitioner was arrested. Counsel submits that from the F.I.R. it transpires that there are three named accused persons. Counsel further submits that there is a gross violation of Section 100 of Cr.P.C. at the time of seizure. Recovery of arms has taken place from the possession of the petitioner. Counsel for the petitioner

submits that petitioner was declared juvenile and subsequently, he was put in observation home established under J.J.B. Act. His father is ready to give undertaking about his son. Counsel submits that in the order dated 17.11.2022, the report of S.I.R. has also been taken into consideration. Counsel submits that the seizure list is absolutely defective and it is prepared in gross violation of Section 100 of Cr.P.C. Counsel submits that the mother and the father are ready to give their undertaking about the career of their son.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing the undertaking from the father and the mother both, to look after their son. It is also be directed to the petitioner and his father that they shall visit every month periodically before the Probation Officer.

With the aforesaid direction, order dated 21.01.2023 passed by learned Ist Additional Sessions Judge-cum-Children Court, Madhepura in Cr. Appeal No. 46 of 2022, arising out of Gwalpura Police Station Case No. 186 of 2022 is hereby **set-aside**.

ashishsingh/-

(Dr. Anshuman, J.)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	