

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.181 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- TANDWA District- Aurangabad

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Ankit Kumar Son Of And Under Natural Guardianship Of His Father Santosh Singh Aged About 37 Years Son Of Nagendra Singh R/O Ramnagar @ Ramnagar Tola, Mahuari, P.O.- Karma Lahang, P.S.- Tandwa, District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Adv.
For the Respondent/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner and learned counsel for the State.

The present Cr. Revision Application has been filed against the order dated 01.02.2023 passed by learned 1st Addl. District and Sessions Judge, Aurangabad in Cr. Appeal No. 03/2023, arising out of Tandwa P.S. Case No. 52/2022 lodged under Sections 302, 201/34 of the I.P.C., in connection with J.J. Board No. 930 of 2022 (G.R. No. 1193/2022 whereby Cr. Appeal filed by the Accused/Appellant/Petitioner has been dismissed and bail of the petitioner is rejected.

Learned counsel for the petitioner submits that from the content of F.I.R., it is crystal clear that name of the petitioner has figured in this case only on suspicion. He submits that there were 3 accused persons whose name has figured in this case. All are juvenile and two of them granted bail by the Co-ordinate

Bench of this court which is Annexure- 5, order dated 03.02.2023 passed in Cr. Revision No. 839 of 2022. Counsel submits that the court below had rejected the prayer for bail of the petitioner.

Counsel submits that the petitioner was declared juvenile from J.J.B. and his age was registered as 14 years, 4 months and 13 days. On the alleged date of occurrence i.e. on 01.06.2022. It has also come that due to dispute and difference arises for video game and money transaction, such occurrence took place. It has been mentioned that the petitioner is in remand home since 27.09.2022 whereas this Hon'ble Court in D.B. has decided the fate of many persons in case of *Lalu Kumar Vs. State of Bihar* reported in 2019 (4) PLJR 833.

In the said judgment, it is categorically hold that the juvenile may be released on three conditions which are as follows:-

I. The release is likely to bring that person into association with any known criminal.

II. The release is likely to expose the said person to moral, physical or psychological danger.

III. The release would defeat the ends of justice.

Counsel submits that the original bail application

before J.J.B. as well as Appellate application before Appellate Court/ Trial Court has been rejected, is completely ignoring the fundamental principles for juvenile laid down in Section 3 i.e. Presumption of Innocence and Equity.

In the above stated background and also in the light that father is ready to furnish an undertaking. Petitioner is directed to release on the undertaking of his father as well as condition that on periodical basis, he will meet with Probationer Officer and the order dated 01.02.2023 passed by 1st Addl. District and Sessions Judge, Aurangabad in Cr. Appeal No. 03 of 2023, arising out of Tandwa P.S. Case No. 52 of 2022 and order dated 04.01.2023 passed by J.J.B. No. 930 of 2022 (G.R. No. 1193/2022) is hereby set aside.

Accordingly, this Cr. Revision Application is hereby allowed.

(Dr. Anshuman, J.)

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