

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.339 of 2022

Arising Out of PS. Case No.-312 Year-2021 Thana- EKMA District- Saran

Bhulta @ Bullet @ Jamal Ansari S/o Sarajuddin Ansari, R/o village- Ekripur
Ketola, P.S.- Ekma, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dindayal Sah S/o Late Sukhari Sah, R/o Village- Parsagadh, P.S.- Ekma,
District- Saran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate
For the Respondent/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 01-05-2023

Learned counsel for the petitioner and learned
counsel for the State present.

Counsel for the petitioner submits that by the first
supplementary affidavit he has filed an application for removal
of defects. The second supplementary affidavit he has filed for
amendment in the prayer for setting aside. Both the orders,
order of appellate court as well as J.J.B.

Counsel for the petitioner submits that the present
application has been filed for setting aside the order dated
21.04.2022 passed by Additional Sessions Judge-I-cum-
Children Court, Saran in Criminal (Juvenile) Appeal No. 02 of
2022 as well as for setting aside the order dated 16.12.2021

passed by J.J.B. in connection with Ekma P.S. Case No. 312 of 2021 under Section 302/34 of the Indian Penal Code.

Counsel further submits that in the F.I.R. there is absolutely nothing adverse has alleged against the petitioner. He further submits that his name has come in this case only and only by suspicion which is apparent from the order sheet. He further submits that there is no antecedent of the petitioner. He also submits that petitioner is behind bar since 1 year 9 months (dated 01.08.2021). Counsel further submits that similarly situated person has been granted bail by the Co-ordinate Bench of this Court vide order dated 23.06.2022 passed in Cr. Appeal(SJ) No. 152 of 2022 with analogous cases. Counsel further submits that father of the petitioner is ready to provide undertaking.

In the juvenile matter, the presumption of innocence is in favour of the juvenile and here in the present case the petitioner is behind bar since 1 year 9 months.

Upon considering the facts, let the petitioner is directed to be release from observation home with undertaking of his father that he shall not involve in any criminal activities in future and the father and his son (petitioner) shall visit periodically to the Protection Officer twice in month.

With this direction, the present Criminal Revision Application is hereby allowed and the order dated 21.04.2022 passed by Ist. Addl. Sessions Judge-cum-Children Court, Saran at Chapra in Cr. (Juvenile) Appeal No. 02 of 2022 as well as the order dated 16.12.2021 passed by J.J.B. in connection with Ekma P.S. Case No. 312 of 2021 under Section 302/34 of the Indian Penal Code is hereby set aside.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	