

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.438 of 2021

Arising Out of PS. Case No.-206 Year-2019 Thana- DORIGANJ District- Saran

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Rahul Kumar Son of Sipahi Ray Resident of Village - Dumari Mukund, P.S. - Doriganj, District - Saran. Rahul Kumar is under guardianship of Usha Devi, wife of Sipahi Ray who is mother of the petitioner.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Girijish Kumar, Adv.
For the State/s : Mr. Jagdher Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 01-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present application has been filed for grant of regular bail against the order dated 08.04.2021 passed by Learned Addl. District and Sessions Judge 1st, Saran and against the order dated 03.02.2020 passed by J.J. Board, Saran , Chapra in J.E. No. 432 of 2019 arising out of Doriganj P.S. Case No.206 of 2019 (C.C. Case No. 08/2021) lodged under Sections 302, 307, 324 /34 of the I.P.C.

Counsel for the petitioner submits that from the content of F.I.R., it transpires that there is no allegation against the present petitioner and petitioner was declared juvenile. It is stated that J.J. Board has rejected the bail application of the

petitioner on 03.02.2020 against which the petitioner has preferred criminal appeal which was rejected on 08.04.2021 as the case has been lodged under category of heinous offence. Counsel submits that there is absolutely no allegation against the petitioner and if any, it is against other persons.

From the order sheet of Learned Addl. District and Sessions Judge 1st, Saran, it transpires that S.B.R. and S.I.R., both received and as per S.B.R., there may be a chance that the petitioner may come in the association of bad persons and may start the same act similarly, in S.I.R., It has come that the house of the petitioner was locked and neighbours told that father of the petitioner was also made accused and he was absconding.

Counsel for petitioner submits that the mother of the petitioner is ready to take care of his son and she has told to this Court that she shall do all the act so that his son may not be come with contact of bad elements.

Considering the undertaking of the mother and following the basic principles of child jurisprudence about the innocence of the child, a chance of reformation of juvenile and particularly, when this juvenile is behind bar since 2 years, 7 months which is mentioned in Paragraph 8 of this application, this court is hereby directed to the petitioner to be released from

observation home on condition that petitioner shall visit with her mother periodically twice in month before Protection Officer and mother shall file affidavit before this Court about the conduct.

With this aforesaid direction, this Criminal Revision Application is hereby **allowed** and the order dated 08.04.2021 passed by Learned Addl. District and Sessions Judge 1st, Saran as well as against the order dated 03.02.2020 passed by J.J. Board, Saran , Chapra in J.E. No. 432 of 2019 arising out of Doriganj P.S. Case No.206 of 2019 (C.C. Case No. 08/2021) is hereby set aside.

(Dr. Anshuman, J.)

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