

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.431 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- BANIAPUR District- Saran

(XXX) Son of Arjun Kunwar, Resident of village - Hariharpur, P.S.-
Baniyapur, District - Saran at Chapra, Under the legal guardianship of his
natural Father. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Respondent/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 23-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking setting aside of the order dated 25.05.2022 passed by 1st Additional Sessions Judge-cum-Children Court, Saran at Chapra in (Juvenile) Appeal No. 22 of 2022 by which the learned court has been pleased to dismiss the appeal and thereby upheld the order dated 20.04.2022 passed in JJB No. 1725 of 2022, G.R. No. 1478 of 2021 arising out of Baniyapur P.S. Case No. 55 of 2021. By the order dated 20.04.2022, the learned Juvenile Justice Board, Saran at Chapra (hereinafter referred to as the 'Board') had rejected the prayer for bail of the petitioner.

3. Learned counsel for the petitioner submits that as per the prosecution story, on 02.03.2021 at 06:40 P.M. the informant's son had gone on motorcycle to the village



Hansrajpur to meet someone and told that he will return after some time and at 10:00 P.M. the informant received a phone call from the mobile number of his son and he was informed that his son's mobile phone and motorcycle is lying on the road. Thereafter, the informant along with other family members reached there and started searching for his son but he could not be traced out. On 03.03.2021 at about 5:00 A.M., the informant's son was lying dead in the field behind Mahavir temple.

4. Learned counsel submits that from the FIR itself it is evident that the petitioner is not named in the FIR. In course of investigation, police arrested one Ankit Kumar who is said to have made a confessional statement before police and disclosed the name of this petitioner.

5. Learned counsel submits that save and except the confessional statement of the co-accused in which the name of this petitioner has also transpired as their associates, there is no other material to connect the petitioner with this case. It is specifically submitted that during course of investigation, the mobile phone calls details of the petitioner and other co-accused persons as also the deceased were obtained in which no phone call has been found to have been made from the mobile phone of the petitioner to the mobile phone of the deceased. There is no witness to claim that the deceased was last seen with the



petitioner.

6. Learned counsel submits that co-accused Ankit Kumar has been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 3875 of 2022. Two juveniles who were involved in this case have also been granted bail in Cr. Revision No. 71 of 2022 and Cr. Revision No. 418 of 2022.

7. Lastly, it is submitted that the social investigation report and the social background report of the petitioner does not show any adverse statement and the petitioner is a student pursuing his diploma course, thus, if released on bail he will be connected with his studies and be a member of the mainstream of the society. The father of the petitioner is ready to furnish an undertaking that if released on bail, he will not allow the petitioner to fall in bad company.

8. Learned APP for the State has though opposed the prayer for bail of the petitioner, considering the entire facts and circumstances of the case as noted hereinabove, the social investigation report/social background report and finding that the petitioner has no criminal antecedent and as per the report no specific role of the petitioner could be noticed in the alleged occurrence, at this stage also considering that he is a student pursuing his diploma as per the social investigation report, this Court sets aside the impugned order and directs release of the



petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Saran at Chapra in connection with J.J.B. No. 1725 of 2022, G.R. No. 1478 of 2021 arising out of Baniyapur P.S. Case No. 55 of 2021.

9. And further condition that one of the sureties shall be the father of the petitioner who will also furnish an undertaking that if released on bail, the petitioner shall not be allowed to indulge in any unlawful act and all care will be taken that he does not fall in the company of anti-social elements and in case the petitioner indulges in any unlawful act, he will inform it to the concern jurisdictional police station.

10. And it is further ordered that the Probation Officer attached to the Juvenile Justice Board, Saran at Chapra shall keep a vigil over the petitioner and will be submitting his periodical reports to the Juvenile Justice Board, Saran at Chapra as regards the conduct of the petitioner.

11. This application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

