

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.479 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- DHANSOI District- Buxar

Shyam Kumar @ Laddu Yadav (addressed as CICL “X” hereinafter) Son Of
Birendra Yadav, Resident Of Village - Diliyan, P.S.- Sasaram (T), District -
Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Upadhyay, Advocate
For the Respondent/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 21-03-2023

Heard learned counsel for the petitioner and learned
counsel for the State.

The present criminal revision application has been filed
for release the CICL “X” (petitioner) on bail after setting aside
the order dated 21.05.2022 passed in Cr. Appeal No. 16 of 2022
as well as order dated 25.03.2022 passed in J.J.B. Case No. 634
of 2022 arising out of Dhansoin P.S. Case No. 02 of 2022.

Counsel for the petitioner submits that from the content of
the F.I.R., it transpires that police upon secret information that
accused persons are planning for commission of crime, has raid
in which total four persons were apprehended including the
present petitioner from whose possession one country made
pistol and six cartridges have been recovered. Counsel further
submits that the petitioner is apprehended since 04.01.2022 and

he continue in the observation home for last more than one year. Counsel further submits that the principle jurisprudence of child is that principle of presumption of innocence shall be in favour of the petitioner. He also submits that principle of best interest be also in favour of the child.

In this view of the matter that petitioner is in custody since more than one year and also resided in observation home, the juvenile child is directed to be released at once from the observation home. The family member father and mother shall take care of their child so that he may not commit mistake in future.

With this direction, the present Cr. Revision application is allowed and the order dated 21.05.2022 passed in Cr. App. No. 16 of 2022 by the learned Additional District and Sessions Judge-Ist-cum-Special Judge (SC/ST & Children Court), Buxar as well as order dated 25.03.2022 passed by learned Juvenile Justice Board, Buxar in J.J.B. Case No. 634 of 2022 arising out of Dhansoin P.S. Case No. 02 of 2022 is hereby set aside.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	