

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.456 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- BAJPATTI District- Sitamarhi

SAMARJEET YADAV @ SARVJEET YADAV Son of Kalevar Ray R/o village - Majgawa Harsingpur @ Majgama @ Majgabha, P.S.- Bathnaha, Dist.- Sitamarhi, Under the Guardianship of Jay Mala Devi Aged about - 49 years, Gender - Female, W/o Kalevar Ray, R/o village - Harsingpur, Ward No.- 6 @ Majgawa Harsingpur, P.S.- Bathnaha, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate.
For the Respondent/s : Mr. Ajay Kumar No. 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-09-2023 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor appearing for the State.

2. This Criminal Revision application has been filed against the judgment and order dated 06.06.2023 passed by learned 1st Additional District & Sessions Judge-cum-Special Judge (Children Court), Sitamarhi, in Criminal Appeal No. 25 of 2023, by which, the learned Additional District & Sessions Judge-I-cum-Special Judge, (Children Court) Sitamarhi, has affirmed the order, dated 2.2.2023, passed by learned Principal Magistrate, Juvenile Justice Board, Sitamarhi, in JJB Case No. 1851 of 2022 arising out of Bajpatti P.S. Case No. 119 of 2022 registered for the offences punishable under Sections 399, 402



of the Indian Penal Code, Sections 25(1-b)a, 26, 35 of the Arms Act and Sections 8(c)/20(b) (ii) (c)/29 of the NDPS Act.

3. The allegation as per the First Information Report, is that the Police on getting confidential information that 5-7 miscreants including petitioner have assembled at Rasalpur, Malpatti, Konha Gachhi for committing crime, proceeded towards the place of occurrence and on seeing the Police party all the miscreants started fleeing away but two persons including petitioner were apprehended and rest were succeeded in fleeing away. On search, one loaded pistol with four live cartridges and one bag containing 1 Kg. 10 gram *Charas* were recovered from possession of the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner/revisionist has not committed any offence in the manner alleged and he has falsely been implicated in this case due to village politics. He next submits that the similarly situated co-accused Munna Yadav and Vikash Das have already been granted bail by co-ordinate Benches of this Court in Cr. Misc. 53074 of 2022 and 25150 of 2023 respectively.

5. On the other hand, learned counsel for the State vehemently opposes the prayer for bail of the petitioner and submits that no doubt the petitioner is a juvenile but considering



his nine criminal antecedents of similar nature which indicates that the juvenile petitioner is a hardcore and habitual offender, hence he does not deserve the privilege of bail.

6. This Court vide order dated 7.8.2023 had called for a social investigation report and in pursuance thereof, the social investigation report as well as social background report of Probation Officer, Sitamarhi, dated 28.11.2022 is on record and from perusal of the same, it appears that the petitioner may repeat the offence after being released from the remand home. The Probation Officer in his social background report has come to the conclusion that the petitioner is in a bad company and earlier he had absconded from the court of learned Magistrate and two cases under NDPS were also recorded against him earlier. The father of the petitioner is a truck driver and remains outside home in relation to his work.

7. Regards being had to the submission made by the parties and taking into consideration the report of Child Welfare Officer that the petitioner may repeat the offence after being released from the remand home, the Probation Officer in his social background report has come to the conclusion that the petitioner is in a bad company earlier and had absconded from the court of learned Magistrate, two cases under NDPS were



also recorded against him and he has criminal antecedents of nine cases, I am not inclined to release the petitioner on bail.

8. Accordingly, the prayer for bail of the juvenile/petitioner stands rejected for the present.

9. However, the juvenile/petitioner may renew his prayer for bail after six months, if so advised.

(Anil Kumar Sinha, J)

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