

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.710 of 2022

Arising Out of PS. Case No.-275 Year-2017 Thana- MIRGANJ District- Gopalganj

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Sharif Sai S/o Late Gulab Sai R/o Village- Arar, P.S.- Gopalganj, District-
Gopalganj under the guardianship of his mother madina Khatun W/o Late
Gulab Sai, R/o Village- Arar, P.S.- Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Adv.

For the Respondent/s : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The present Cr. Revision Application has been filed
against the Judgment dated 20.07.2022 passed in Cr. Appeal
Case No.27 of 2022 passed by Addl. District & Sessions Judge-
1st -cum- Special Judge, Juvenile Court, Gopalganj as well as
26.04.2022 passed in J.E. No. 130 of 2019 arising out of
Mirganj P.S. Case No. 275 of 2017 passed by J.J. Board,
Gopalganj.

Counsel for the petitioner submits that petitioner has
been declared juvenile by the J.J. Board on 08.03.2022. Counsel
submits that the name of the petitioner has figured in this case
by virtue of confessional statement of co-accused namely,

Kapildeo Prasad. Counsel submits that the said Kapildeo Prasad has faced the trial and was acquitted vide order dated 21.08.2018 in Trial Case No. 2080 of 2018, arising out of Mirganj P.S. Case No.275 of 2017.

Counsel further submits that petitioner is in remand home since 09.08.2021. He is living without father and his mother is ready to take care of his son (petitioner) so that he may not involve in such type of crime in future. Counsel submits that petitioner's mother is also ready for periodical visit to the Probationer Officer so that reformation may come in him.

Counsel for petitioner submits that from the contents of petition, it transpires that petitioner's name has figured in four different criminal cases and if he released, there is a likelihood that he may be involved with local criminals in commission of crime.

From the record, it transpires that petitioner is not directly named in the F.I.R.. His name has come by virtue of confessional statement of co-accused and the person who has confessed the name of petitioner, has already been acquitted in the trial.

Counsel further submits that the petitioner's mother is ready to provide undertaking that his son will not involve in

such types of offences in future.

Considering those aspects that a juvenile according to Principles laid down in the J.J. Act, there is Presumption of Innocence in favour of child in conflict with law as well as in the light of undertaking given by petitioner's mother, let the petitioner above named, be granted bail and the order dated 20.07.2022 passed in Cr. Appeal Case No. 27 of 2022 by learned Addl. District & Sessions Judge- 1st -cum- Special Judge, Juvenile Court, Gopalganj as well as the order dated 26.04.2022 passed in J.E. No.130 of 2019 arising out of Mirganj P.S. Case No. 275 of 2017 by J.J. Board, Gopalganj is hereby set aside.

Accordingly, the present Cr. Revision Application is hereby allowed.

(Dr. Anshuman, J.)

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