

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.561 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- VISHNUPAD District- Gaya

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Mohan Murari @ Rocky @ Kanhaiya Son Of Ranjeet Sharma @ Sanjit Kumar Under The Guardianship Of His Father Sanjit Kumar @ Ranjeet Sharma Aged About 38 Years, Male, S/O Umesh Singh, Resident Of Village-Kendui, P.S- Magadh Medical, Dist- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.

For the Respondent/s : Mr. Raj Ballabh Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-05-2023 Heard learned counsel for the petitioner and learned counsel for the State.

Counsel for the petitioner submits that the present Cr. Revision application has been filed for setting aside the judgment dated 14.06.2021, passed by the Additional Sessions Judge-cum-P.P. Children Court, Gaya in Juvenile Appeal No.12 of 2022, as well as, order dated 10.05.2022, passed by the learned Principal Magistrate, Juvenile Justice Board, Gaya in Gr. 504 of 2022, Miscellaneous case No.42 of 2022, arising out of Vishnupad P.S. case no. 18 of 2022 lodged under Section 394 of the Indian Penal Code.

Counsel for the petitioner submits that petitioner has been declared juvenile from Juvenile Justice Board vide order

dated 06.02.2022. Counsel submits that from the content of the F.I.R. it transpires that petitioner is not named in the F.I.R. It has also come that informant is the eye-witness, who has disclosed name of the three accused persons in the F.I.R. and those three accused persons, namely Vishal Kewat, Pratham Kumar and Faiz were made accused in the present case.

Counsel for the petitioner submits that name of the petitioner has been figured in this case by virtue of investigation. He submits that from the content of the F.I.R. there is nothing specific has come against the petitioner. He submits that petitioner is not named in any case earlier. Counsel submits that petitioner is behind bar since 06.02.2022. Counsel submits that petitioner's father is ready to file an undertaking on petitioner's behalf that he shall not involve in any case in the future and he will personally take care of that. The presumption of innocence is in favour of the petitioner.

Counsel for the petitioner further submits that the named accused Vishal Kewat has been granted bail by the Co-ordinate Bench of this Court vide order dated 16.02.2023 passed in Cr. Miscellaneous No.450 of 2022. It has also come that the said Vishal Kewat is also a juvenile.

Counsel for the State submits that the petitioner was a

juvenile and presumption of innocence is in favour of juvenile.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be released subject to filing an undertaking from the father of the petitioner that his son shall not be involved in any case, in the future.

This Court is considering the principle of fresh start and upon undertakings given by the father, petitioner is directed to be released, with a condition that the father along with his son(petitioner), shall visit to the office of 'Probation Officer', once every month.

With the aforesaid direction, the judgment dated 14.06.2021, passed by the Additional Sessions Judge-cum-P.P. Children Court, Gaya in Juvenile Appeal No.12 of 2022, as well as, order dated 10.05.2022, passed by the learned Principal Magistrate, Juvenile Justice Board, Gaya in Gr. 504 of 2022, Miscellaneous case No.42 of 2022, arising out of Vishnupad P.S. case no. 18 of 2022 are hereby set aside and the present Criminal Revision is hereby allowed.

(Dr. Anshuman, J.)

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