

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.577 of 2022

Arising Out of PS. Case No.-94 Year-2021 Thana- KUNDWACHAINPUR District- East
Champaran

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Arjun Rai @ Arjun Kumar Son Of Munna Rai Resident Of Basantpur, P.S.-
Kundwa Chainpur, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Mithilesh Kumar (.H.O.) P.S.- Kundwa Chainpur, District- East Champaran
Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anang Mohan Sinha, Adv.
For the Respondent/s	:	Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 17-03-2023

Let the defect(s), if any, be removed within two
week from today.

Learned counsel for the petitioner and learned APP
for the State present.

The present Cr. Rev. has been filed to set aside the
order dated 24.06.2022 passed in Cr. Appeal. No. 15 of 2022 by
Addl. Sessions Judge-cum- Spl. Judge (Children Court) East
Champaran, Motihari arising out of Kundwa Chainpur P.S. Case
No. 94/2021 as well as order dated 04.03.2022 passed by J.J.B.
vide J.J.B. Tr. No. 1243 of 2022 by which the petitioner who is
minor and not arrested from place of occurrence has been
arrested facing the trial and in custody since 17.09.2021 that is
about 1 year, 6 month.

Counsel for the petitioner submits that petitioner is

in conflict with law. The first case was pending before the J.J.B. by which it become crystal clear that he is not major rather minor /juvenile. Counsel submits that from the content of F.I.R., it transpires that he is in conflict with law under Excise Act. The subject matter of the said Excise Act is total 125 liter Nepali liquor from the Magic Van and 37.5 liter liquor from a motorcycle. One accused person was father and petitioner is the son of the co-accused.

Counsel for the petitioner submits that both were apprehended on the same day but his father was granted bail on 05.01.2022 by the Co-ordinate Bench of this Hon'ble Court passed in Cr. Misc. No.51928 of 2021 whereas he is still apprehended in observation home. Counsel for the petitioner submits that S.I.R. report was called for by the Appellate Court and it has been mentioned that this appellant juvenile was arrested in earlier another cases in the smuggling of wine. The problem of lack of proper care is necessary in the present case. According to S.I.R. report, this petitioner need special care so that he may not involve in crime further. Counsel for the petitioner submits that the mother of the petitioner is ready to take special care both physically and psychologically, so that reformation of petitioner may take place and he may be good

citizen of the country.

Counsel for the State submits that there were 2 accused in this case. One is the father and another is son. Both were arrested on the same day but father has been released on bail. Therefore, in the interest of justice, the son may be released but only with due precaution so that, he may not involve in the said crime again.

In the present facts and circumstances, I am hereby directing that petitioner be released on bail upon undertakings given by his mother. Both mother and son shall appear before the Probation Officer in first week of every month.

In this view of the matter, the order dated 24.06.2022 passed in Cr. Appeal. No. 15 of 2022 by Addl. Sessions Judge-cum- Spl. Judge (Children Court) East Champaran, Motihari (arising out of Kundwa Chainpur P.S. Case No. 94/2021) is hereby **set aside**.

(Dr. Anshuman, J.)

prakashmani/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	