

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.486 of 2023

Arising Out of PS. Case No.-281 Year-2022 Thana- UCHKAGAON District- Gopalganj

1. XXX Son of Ram Awadh Patel Resident of village - Jamsar, P.S. - Uchkagaon, Distt. - Gopalganj, represented through the Natural Guardian mother of Petitioner no. 1 and aunt of the Petitioner no. 2 namely Rani Devi, wife of Ram Awadh Patel, Resident of vill - Jamsar, P.S. - Uchkagaon, Distt. - Gopalganj
2. XXX Son of Vidyanand Patel Resident of village - Jamsar, P.S. - Uchkagaon, Distt. - Gopalganj, represented through the Natural Guardian mother of Petitioner no. 1 and aunt of the Petitioner no. 2 namely Rani Devi, wife of Ram Awadh Patel, Resident of vill - Jamsar, P.S. - Uchkagaon, Distt. - Gopalganj

... .. Petitioners

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar, Advocate Mr. Vyas Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Harendra Prasad Singh, Advocate Mr. Adesh Raj Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 30-11-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. Petitioners in the present case have been adjudged juvenile, they are seeking setting aside of the impugned order dated 07.06.2023 passed by learned Additional District and Sessions Judge-I, Gopalganj passed in connection with Uchkagaon P.S. Case No. 281 of 2022 whereby and whereunder the order dated 21.02.2023 passed by the learned Juvenile Justice Board in J.E. No. 352 of 2022 in connection with Uchkagaon P.S. Case No. 281 of 2022 registered under Sections 147, 148, 149,

323, 324, 307, 302 and 448 of the Indian Penal Code and Section 27 of the Arms Act has been affirmed.

3. Learned counsel for the petitioners submits that so far as these two petitioners are concerned, they have been falsely implicated in this case on account of land dispute between the family of the petitioners and the informant's family. As per the *ferdbeyan* of one Shambhu Prasad, his wife was shot dead by co-accused Manu Patel. In the FIR, there are altogether eight named accused and ten unknown persons who are said to have assaulted the prosecution party.

4. It is submitted that so far as petitioner no.1 is concerned, it is alleged that he along with one Ram Avadh Patel had assaulted Mukesh Patel by *bhala* and pistol. As per FIR, the shot fired from pistol hit Mukesh Patel on his stomach whereas the *bhala* caused injury just beside the stomach. Learned counsel submits that the injury report of Mukesh Patel is on record, there is a simple injury caused by sharp cutting weapon and no fire arm injury has been found on his body. Moreover, the co-accused Ram Avadh Patel has already been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 57036 of 2023.

5. So far as petitioner no.2 is concerned, he along with co-accused Vikash Kumar @ Bullet is said to have assaulted one Raju Patel causing him injury in the stomach and on the thigh. It

is stated that Vikash Kumar @ Bullet has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 15925 of 2023. The case of both petitioners stand on similar footing with the co-accused who have been granted bail.

6. It is further submitted that in the social background/social investigation report, there is nothing adverse as regards the conduct of the petitioners and it has come that the alleged occurrence is result of a land dispute.

7. Learned counsel for the informant as well as learned APP for the State are present. Learned counsel for the informant has though submitted that in the alleged occurrence, the wife of the informant was shot dead and some of the family members of the informant suffered injuries but at the same time it is not disputed that the case of the petitioners even on merit stand on similar footing with the co-accused who have been granted bail and so far as the social background report and the social investigation report are concerned, there is nothing adverse against them with regard to their conduct.

8. Having regard to the facts and circumstances of the case stated hereinabove, the materials which have been taken note of by this Court and discussed in the preceding paragraphs, considering the spirit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, this Court sets aside the

impugned order and directs release of the petitioners above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Principal Magistrate, Juvenile Justice Board, Gopalganj in J.E. No. 352 of 2022 in connection with Uchkagaon P.S. Case No. 281 of 2022.

9. One of the bailors for both the petitioners will be the mother of petitioner no.1 who shall furnish undertaking that if released on bail, the petitioners shall not be allowed to indulge in any unlawful act and all care will be taken that they does not fall in the company of anti-social elements.

10. The Probation Officer attached to the Juvenile Justice Board, Gopalganj shall keep a vigil over the petitioners and will be submitting his periodical reports to the Juvenile Justice Board, Gopalganj as regards the conduct of the petitioners.

(Rajeev Ranjan Prasad, J)

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