

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.504 of 2023

Arising Out of PS. Case No.-30 Year-2021 Thana- PARSAUNI District- Sitamarhi

ASHUTOSH KUMAR SINGH @ GOLU Son of Kumar Vinod Ranjan
Resident of court Bazar ward no. 16, P.S. and Distt. - Sitamarhi through his
natural guardian namely Kumar Vinod Ranjan Son of Ram Bhikhari Singh
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

with

CRIMINAL REVISION No. 514 of 2023

Arising Out of PS. Case No.-734 Year-2020 Thana- SITAMARHI District- Sitamarhi

ASHUTOSH KUMAR SINGH @ GOLU SON OF KUMAR VINOD
RANJAN R/O-COURT BAZAR WARD NO. 16, P.S. AND DISTT.-
SITAMARHI THROUGH HIS NATURAL GUARDIAN NAMELY KUMAR
VINOD RANJAN SON OF RAM BHIKHARI SINGH
.. ... Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

(In CRIMINAL REVISION No. 504 of 2023)

For the Petitioner/s : Mr.Sunil Prasad Singh

For the Respondent/s : Mr.Ahmad Ali

(In CRIMINAL REVISION No. 514 of 2023)

For the Petitioner/s : Mr.Sunil Prasad Singh

For the Respondent/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 04-09-2023 Both the aforesaid Cr. Revision applications have

been heard together and are being disposed of by a common

order inasmuch as in both the aforesaid applications, the

petitioner is same.

2. Cr. Revision No.504/2023 has been preferred by

the petitioner against the judgment and order dated 04.07.2023

passed in Cr. Appeal No. 49/2023 by the 1st Additional Sessions



Judge-cum-Special Judge (Children's Court) Sitamarhi along with order dated 27.04.2023 passed by Juvenile Justice Board, Sitamarhi in JJB Case No. 1699/2022 arising out of Parsauni PS Case No. 30/2021 for the offence punishable under Section 392 of the IPC, whereunder both the learned courts below have denied to released the petitioner on bail, whereas Cr. Revision No. 514/2023 has been filed against judgment and order dated 04.07.2023 passed in Cr. Appeal No. 43/2023 by the learned 1st Additional Sessions Judge -cum- Special Judge (Children's Court), Sitamarhi along with order dated 20.04.2023 passed by Juvenile Justice Board, Sitamarhi in connection with JJB Case No. 1909/2023 arising out of Sitamarhi PS Case No. 734/2021 for the offence punishable under Sections 392 of the IPC, whereunder both the learned courts below have refused to release petitioner on bail

3. As per both the FIRs dated 08.03.2021 and 28.12.2020, the informants were looted and deprived of their belongings and money by three unidentified miscreants.

4. Learned counsel for the petitioner submits that the petitioner/revisionist has not committed any offence in the manner alleged and he has been implicated in this on the basis of suspicion. It has next been submitted that the FIR has been



lodged against unknown and no incriminating article has been recovered from the possession of the petitioner.

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 five criminal antecedents of similar nature which indicate that the juvenile/petitioner is a habitual offender, hence he does not deserve privilege of bail. He next submits that petitioner is having propensity towards crime.

6. I have heard learned counsel for the parties.

7. From the record, it appears that the petitioner is in protective custody since 14.03.2023 and at the time of occurrence his age has been assessed as 17 years 05 months and 06 days. The petitioner is involved in so many criminal cases of similar nature due to bad company as per social investigation report. Earlier bail was granted to the petitioner by Juvenile Justice Board in connection with Sitamarhi PS Case No. 14/2023 on the condition that father/mother of the child would take proper care and provide protection but the parents could not take care of the child and he repeated the same criminal activity. Learned Principal Magistrate, JJB, Sitamarhi arrived at the finding that bad company of the petitioner is



waiting for him to come and join them for criminal acts. He accordingly, arrived at a conclusion that if the petitioner is released, there is apprehension of psychological and moral danger to the child and his release would defeat the ends of justice also. The finding of the JJB has been affirmed by the Children' Court , Sitamarhi while arriving at the conclusion that the petitioner is in bad company and so many case are pending against him. As such, his release would defeat the ends of justice.

8. Regards being had to the fact that the petitioner is a habitual offender, he is involved in so many cases and after release on bail in another case, he repeated the same nature of offence, accordingly, I do not find any reason to differ with the findings arrived at by the J.J.B, Sitamarhi and that of the Children's Court, Sitamarhi at this stage. Accordingly, both the revision applications preferred by the petitioner are rejected.

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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