

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.505 of 2023

In
CRIMINAL APPEAL (SJ) No.3014 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- SAHEBPUR KAMAL District-
Begusarai

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Child in Conflict with Law a through his Father, Rupesh Singh S/O
Satyanarayan Singh R/O Village- Rahua, P.S- Sahebpur Kamal And Distt.-
Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate
For the State : Ms. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 18-10-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner in the present case is seeking setting
aside of the order dated 19.04.2023 passed by learned A.D.J.-1st-
Cum-Special Judge, Children's Court, Begusarai in Criminal Appeal
No. 17 of 2023 arising out of Sahebpur Kamal P.S. Case No. 132 of
2022 registered for the offences punishable under Sections 342, 386,
307, 326, 384, 34 of the Indian Penal Code and Section 27 of the
Arms Act whereby and whereunder the learned court has been
pleased to dismiss the bail application of the petitioner.

3. Learned counsel for the petitioner submits that as per
the prosecution story, one Lalit Vijay Singh had fired on the father of
the informant. There is no allegation of commission of any overt act
against this petitioner.



4. It is further submitted that the petitioner has been adjudged juvenile by the Juvenile Justice Board (hereinafter referred to as the 'Board') vide order dated 29.09.2022 and his age has been assessed as 15 years 02 months and 29 days on the alleged date of occurrence. It is further submitted that even though the petitioner has been made accused in two other cases but the fact is that those cases are lodged involving the petitioner who is a child aged below 16 years because of the village rivalry.

5. It is further submitted that as per the social investigation report, the petitioner comes from a middle class family and presently, his family is residing at Begusarai in a rented house. It is submitted that his father is ready to take the responsibility of the petitioner. Even otherwise, the petitioner has passed his matriculation in 2nd Division in the year 2021 and is a student of intermediate class, therefore, he is required to be kept connected with his studies to keep him in the mainstream of the society.

6. Learned APP for the State has though opposed this application saying that the petitioner seems to have been involved in two other cases, having noticed that the petitioner is aged below 16 years and the allegation is not that of commission of a heinous crime by him in the present case and further that he is a student of intermediate class as also his father is also ready to take his responsibility and keep him away from the village and connect him with the studies, this Court sets aside the impugned order and directs



release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Begusarai in connection with Sahebpur Kamal P.S. Case No. 132 of 2022.

7. With further condition that one of the sureties shall be the father of the petitioner who will also furnish an undertaking that after release on bail, the petitioner shall be connected with his studies and shall not be allowed to come in contact with the anti-social elements and in case the petitioner indulges in any unlawful act, he will inform it to the concern jurisdictional police station.

8. And it is further ordered that the Probation Officer attached to the Juvenile Justice Board, Begusarai shall keep a vigil on the conduct of the petitioner and in case it is found that he is deviating from the mainstream of the society and is indulging in any crime, the same will be reported to the concern jurisdictional police station.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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