

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.614 of 2022**

Arising Out of PS. Case No.-319 Year-2021 Thana- DARAUNDA District- Siwan

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1. V Son Of Hari Shankar Ram R/O Village- Dhebar, Machauta, P.S.- Daraunda, District- Siwan Under The Guardianship Of His Father Harishankar Ram, R/O Village- Dhebar, Machauta, P.S.- Daraunda, District- Siwan
  2. A Son Of Munna Kumar Ram R/O Village- Dhebar, Machauta, P.S.- Daraunda, District- Siwan Under The Guardianship Of His Father Munna Kumar Ram, R/O Village- Dhebar, Machauta, P.S.- Daraunda, District- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Krishna Kant Singh, Adv. |
| For the Respondent/s | : | Mr. Madhura Nand Jha, APP    |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 20-03-2023**

Learned counsel for the petitioners submits that remove all the defects as pointed out and then only file the hard copy of the petitioner which is on record.

Heard learned counsel for the petitioners and counsel for the State.

The present Cr. Revision application is being filed the judgment dated 29.06.2022 passed in Cr. Appeal No. 35 of 2022 and order dated 05.04.2022 passed in J.J.B. Siwan in G.R. No. 4236 of 2021, Daraunda, P.S. Case No.319 of 2021 registered under Sections 302, 201/34 of the I.P.C.

As per the F.I.R., this case has been lodged on 16.10.2021. It is alleged that 3-4 days earlier, scuffling took place between the petitioner and the deceased along with others and subsequently, the dead body of the deceased was recovered. Upon recovery of the dead body, F.I.R. has been lodged so in suspicion against the petitioner and others.

Counsel for the petitioners submits that there is nothing specific against the petitioner. This case has been lodged against the petitioner only and only by suspicion. Counsel further submits that upon adjudication before J.J.B, the petitioners were found juvenile. Counsel submits that petitioners who are in conflict with law, are in observation home since 15.01.2022.

Counsel further submits that J.J.B has hold that he is not entitled for release against which the petitioner has preferred criminal appeal which was also rejected and Appellate Court is refused to interfere in the order passed by the J.J. Board dated 05.04.2022. Counsel further submits that the Social Investigation Report has come. In the said report, it has come that petitioners are in-disciplined person. They are in habit of criminal mind. It has also come that allegation in the F.I.R. against the present petitioners and others are to kill the priest of

Shiv Temple only due to the reason that the said priest was opposed the petitioners, not to sit in the temple and play *Juwaa* , take non-veg and drink in the premises of temple. But it has also come in the order of the Appellate Court that mother of the informant is widow, his one son is blind and another son is working as labour.

It has also come that the petitioners have no criminal history but social observance is necessary in their case, otherwise, he may be trouble for the society residing in the village and his locality.

Counsel submits that the father of the petitioners is ready to undertake on behalf of the petitioners that they shall not involve any such activity. He is also ready to change the residence place of the petitioners, so that they may not interact with the local persons.

Counsel for State opposes for the same and submits that though there is nothing criminal antecedent of the petitioners but there is great apprehension that murder may be committed by them.

In the present facts and circumstances, let the petitioners be released from observation home on the undertaking given by this father that he shall make arrangement

for the petitioners in the different locality at different place but a direction has given hereby by this court that upon every 2 month, the petitioners along with their father shall visit with Protection Officer of locality.

In this view of the matter, petitioners are hereby directed to be released and judgment dated 29.06.2022 passed in Cr. Appeal No. 35 of 2022 and order dated 05.04.2022 passed in J.J.B. Siwan in G.R. No. 4236 of 2021, Daraunda, P.S. Case No.319 of 2021 is set aside.

With this observation, this Cr. Revision application is hereby set aside.

**(Dr. Anshuman, J.)**

prakashmani/-

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