

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.645 of 2022

Arising Out of PS. Case No.-505 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

Raju Kumar Son Of Ranjit Mahto, R/O Village- Saidpur, Ward No. 8, P.S.-
Runnisaidpur, District- Sitamarhi Under The Guardianship Of His Father
Ranjit Mahto Aged About 38 Years, Son Of Sonelal Mahto, R/O Village-
Saidpur, Ward No. 8, P.S.- Runnisaidpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Respondent/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 07-04-2023

Learned counsel for the petitioner, counsel for the State
and counsel for the informant are present.

The present criminal revision has been filed against the
order dated 02.07.2022 passed in Criminal Appeal No. 20 of
2022 by Ist Additional Sessions Judge-cum-Special Judge,
(Children's Court), Sitamarhi whereby and whereunder the
order refusing bail to the petitioner dated 08.03.2022 passed by
Juvenile Justice Board, Sitamarhi in connection with
Runnisaidpur P.S. Case No. 505 of 2021 lodged under Section
302 of the Indian Penal Code.

Counsel for the petitioner submits that from the content of
the F.I.R., it transpires that this case has been filed against

unknown accused persons. He further submits that the name of the petitioner has figured in this case in re-statement of the informant in which the informant has raised suspicion against 8 accused persons including the present petitioner. Counsel further submits that the present petitioner has been declared juvenile by order of J.J.B. dated 14.02.2022. Counsel further submits that when petitioner has filed for bail under Section 12 of the Act, bail petition has been rejected, subsequently challenge the said order for rejection of bail before Ist Additional Sessions Judge-cum-Special Judge, (Children's Court), Sitamarhi then also his bail petition was rejected. He further submits that the age of the petitioner was ascertained as 15 years 7 months and 25 days and he is in remand home since 01.01.2022. Upon social investigation and social background report, it comes that the petitioner is in the association of local criminals and he is in conduct with persons who used to take drink and gamble and involved in gambling. It has also come that the atmosphere around the present juvenile requires to keep him in observation home. Counsel further submits that the father of the petitioner is ready to undertake that upon come out side from the observation home, he shall not keep his son in Bihar and he will keep out side the State. He also take personal care of his son.

Counsel for the State submits that initially case was filed under section 302 of the I.P.C. but subsequently charge has been submitted under Sections 302, 120B and 201/34 of the I.P.C. and Section 3(1)(r)(s) and 32B of SC/ST Act. It has also come that the present juvenile is also involved in other two criminal cases in addition to the present one.

In the J.J. Act the presumption of innocence is always in favour of the juvenile. Equity is also in favour of the juvenile.

Here in the present case the father of the juvenile is ready to undertake also for the said juvenile, then in that case this Court is inclined to release the petitioner from observation home.

It is directed that the juvenile shall be released from observation home upon undertaking given by his father that he shall take care of his child as well as both father and son shall visit to the protection of the locality twice in one month seeking guidelines showing his behaviour.

In this view of the matter, the order dated 02.07.2022 passed in Criminal Appeal No. 20 of 2022 by Ist Additional Sessions Judge-cum-Special Judge, (Children's Court), Sitamarhi and the order dated 08.03.2022 passed by Juvenile Justice Board, Sitamarhi in connection with Runnisaidpur P.S.

Case No. 505 of 2021 is hereby set aside and present Criminal
Revision application is hereby **allowed**.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	