

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.604 of 2023

Arising Out of PS. Case No.-51 Year-2022 Thana- DUMARIYA District- Gaya

XXX, son of Vijay Sao @ Vijay Saw village- Milki Ramdohar Maigra Ps-
Bhadwar Dist- Gaya through his Natural Guardian his father namely Vijay
Sao @ Vijay Saw

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate
For the Respondent/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 30-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner in the present case is seeking setting aside of the order/judgment dated 02.05.2023 passed in Cr. Appeal Juvenile No.3/2023 by the learned Presiding Officer, Children Court, Gaya whereby and whereunder the learned court has been pleased to affirm the order dated 13.02.2023 passed by learned Juvenile Justice Board, Gaya in connection with Dumariya P.S. Case No.51/2022 registered for the offence under Sections 302 of the Indian Penal Code and Section 37(ii) of the Bihar Prohibition and Excise Act, 2016 in which cognizance has been taken under Section 302, 376DA, 34 of the IPC and Section 4,6 and 17 of the POCSO Act vide order dated 05.01.2023 whereby and whereunder the prayer for bail of the petitioner has been rejected. He has got

one criminal antecedent being Amas P.S. Case No.254 of 2022 registered under Section 392 of the Indian Penal Code.

3. As per the prosecution story, on 02.07.2022 at about 8.30 PM the uncle of informant came to his house and complained that his daughter was not opening the door and giving food to him, thereafter he went to the house of his uncle and victim opened the door and gave food to her father. It is alleged that when the informant asked to victim why she was not opening the door then victim told him that his father came in drunken condition and he was misbehaving with her due to which she got injury in her hand. It is further alleged that on 03.07.2022 in the morning he came to know that his cousin sister has been killed. On receiving this information, he went there and saw that dead body of victim was lying on the earth and her *Salwar* was removed.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name has transpired in course of investigation on the basis of mobile call of the victim/deceased. It is submitted that he is in judicial custody since 03.10.2022 and at this stage his father is ready to furnish an undertaking if so required.

5. Learned APP for the State has opposed the application. Referring to the social investigation report of the petitioner, it is submitted that the report contains a very serious

kind of adverse observations against this petitioner and if released on bail at this stage he would be exposed to danger and the people in the society have got a very negative impression about this petitioner.

6. Having heard learned counsel for the petitioner and the State as also on perusal of the social investigation report of the petitioner, this Court finds that the villagers of the petitioner believed that he had been involved in murder of the girl who was known to her and was a near relation also and further that the petitioner has got a very negative impression in the society as also that the people in the village are afraid that if the petitioner is allowed to live in the village, it will cause some problem in the society.

7. Considering these aspects of the matter, in the opinion of this Court, the interest of the petitioner lies in keeping him in the observation home/place of safety, as the case may be, for the time being.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--