

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.740 of 2022

Arising Out of PS. Case No.-312 Year-2021 Thana- EKMA District- Saran

Arbaj Ali Son Of Nur Hasan @ Nur Hussain Resident Of Village - Parsa Garh (Mathiya Tola), P.S.- Ekma, Dist.- Saran. Represented By His Natural Guardian Father Nur Hasan @ Nur Hussain S/O- Jamun Miya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Adv.
For the Respondent/s : Mr. Usha Kumari 1, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-04-2023 Heard learned counsel for the petitioner and learned counsel for the State.

The present Revision application has been filed against the judgment dated 12.07.2022, passed by 1st Additional Sessions Judge-cum-Children Court, Saran at Chapra, Bihar, in Criminal (Juvenile) Appeal No. 21 of 2022, whereby the appeal preferred by the appellant (the petitioner herein) against the bail rejection order dated 06.01.2022, passed by the learned Juvenile Justice Board, Saran at Chapra, in Juvenile Inquiry No. 1062 of 2022, arising out of Ekma P.S. Case No. 312 of 2021, registered under Sections 302/34 of the I.P.C. has been dismissed and impugned order has been confirmed.

Counsel for the petitioner submits that the petitioner

has been declared juvenile from the J.J.Board. He submits that from the content of the F.I.R. it has come petitioner has not been named in the F.I.R. and his name has come in this case by virtue of confessional statement of the co-accused. He further submits that there were five accused persons but after declaration of juvenility, this petitioner became child in conflict with law. Counsel submits that rest four accused persons have already been granted bail by the Court.

Counsel for the petitioner submits that the only point which is against the petitioner and due to which petitioner's bail was rejected, is that the F.I.R. report states that the juvenile need recognition and there is likelihood that if the proper guidelines shall not provided to the juvenile, there is a chance that in future he shall commit crime.

Counsel further submits that father of the petitioner is ready to provide an undertaking, so that petitioner may not commit any crime in the future. He submits that the said father is also ready to visit periodically with the petitioner, to meet the Protection Officer, for proper and psychological guidelines.

Counsel for the State submits that if the father of the petitioner is ready to provide undertaking in that case a sympathetic view may be considered.

From the above facts and circumstances and from the documents on record, it transpires to this Court that presumption of innocence are always in favour of juvenile and equity demands that the petitioner may be released only with the restriction that the father shall provide an undertaking and both father and son shall visit periodically to the Protection Officer, twice in one month. With this direction, petitioner is directed to be released on the said undertaking.

The judgment dated 12.07.2022, passed by 1st Additional Sessions Judge-cum-Children Court, Saran at Chapra, Bihar, in Criminal (Juvenile) Appeal No. 21 of 2022 and the order dated 06.01.2022, passed by the learned Juvenile Justice Board, Saran at Chapra, in Juvenile Inquiry No. 1062 of 2022, arising out of Ekma P.S. Case No. 312 of 2021, are hereby **set-aside**.

(Dr. Anshuman, J.)

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