

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.772 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- PANCHRUKHI District- Siwan

Irfan Ali, aged about 17 years, Son of Nesar Miya Resident of Village- Sambhopur, P.S.- G.B. Nagar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

with

CRIMINAL REVISION No. 820 of 2022

Arising Out of PS. Case No.-26 Year-2022 Thana- PANCHRUKHI District- Siwan

Pawan Kumar, aged about 15 years, Son of Ramendra Mahto Under Guardianship of Petitioner (Mother), Namely - (Kamla Devi), Resident of Village - Shambhopur, P.S.- G.B. Nagar, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

(In CRIMINAL REVISION No. 772 of 2022)

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.

For the Respondent/s : Ms. Anita Kumari, APP.

(In CRIMINAL REVISION No. 820 of 2022)

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.

For the Respondent/s : Mr. Ram Sumiran Rai, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 12-04-2023

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

The present Cr. Revision Application has been filed
against the order dated 15.09.2022 passed by learned Additional
Sessions Judge-1-cum-Special Judge, Siwan in Cr. Appeal No.



49 of 2022 and the order dated 29.06.2022 passed in J.J.B. Case No. 60 of 2022 arising out of Panchrukhi Sarai P.S. Case No. 26 of 2022 lodged under Sections 365, 302, 201, 120B, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the present case has been lodged under Section 365, 302, 201, 120B, 34 of the Indian Penal Code. He further submits that J.J.B. has declared the petitioners as juvenile, petitioner of Cr. Revision No. 772 of 2022 is aged about 16 years, 7 months and 3 days and petitioner of Cr. Revision No. 820 of 2022 is aged about 14 years, 10 months and 14 days. Learned counsel submits that petitioners are innocent and they are not named. He further submits that their bail applications were rejected without considering the principles of Juvenile Justice Act as mentioned in the said act particularly Rule of Presumption of Innocence and Rule of Equality to seek protection from the society so that the juvenile may not be affected from the other accused persons of the locality.

Learned counsel submits that it has come in the order that there is less control of guardian of present petitioners. He further submits that father of petitioner of Cr. Revision No.772 of 2022 is no more but mother of both the petitioners



are ready to take care of their son. It has also been submitted that on periodical way the petitioners shall visit before the Probationer Officer.

In this view of the matter, I am of the view that both the petitioners should be released from observation home on the undertaking given by their mother that they shall take care and petitioners shall not involve in such type of activities in future.

Condition is hereby also imposed that petitioners alongwith their mother shall visit periodically twice in a month before the Probationer Officer.

With this observation, the present Cr. Revision Application stands allowed and the order dated 15.09.2022 passed by learned Additional Sessions Judge-1-cum-Special Judge, Siwan in Cr. Appeal No. 49 of 2022 and the order dated 29.06.2022 passed in J.J.B. Case No. 60 of 2022 arising out of Panchrukhi Sarai P.S. Case No. 26 of 2022 are hereby set-aside.

(Dr. Anshuman, J.)

Ritik/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

