

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.667 of 2023

Arising Out of PS. Case No.-50 Year-2022 Thana- BAJPATTI District- Sitamarhi

R (Virtual Name), Son of Md. Jakir @ Jakir Rain @ Jakir, Resident of Village- Mehsaul Ward No. 4 PS- Sitamarhi, Dist- Sitamarhi under the Guardianship of His Father, Namely, Md. Jakir @ Jakir Rain @ Jakir Aged 43 Years Son of Madis Rain, Resident of Village Mehsaul, Ward No. 4, PS- Sitamarhi, Distt- Sitamarhi. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ravi Ranjan, Advocate

For the State : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-12-2023

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

2. This revision application has been preferred for setting aside the order dated 13.09.2023 passed by learned 1st Additional District & Sessions Judge-cum-Children Court, Sitamarhi in Cr. Appeal No. 58 of 2023 whereby and whereunder the order dated 15.05.2023 rejecting the bail of the petitioner by learned Juvenile Justice Board, Sitamarhi in J.J.B. Case No. 1938 of 2023 arising out of Bajpatti P.S. Case No. 50 of 2022 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act has been affirmed. The petitioner has got two criminal antecedents and he is said to be on bail in both the cases.

3. Learned counsel for the petitioner submits that the name of this petitioner has transpired in the present case on the basis of the confessional statement of the co-accused.

4. This Court has gone through the materials present on the record and the discussions which have taken place in the impugned judgments of the learned Juvenile Justice Board, Sitamarhi as well as learned 1st Additional District & Sessions Judge-cum- Children Court, Sitamarhi.

5. Considering that the petitioner has got two criminal antecedents and the offences alleged are of serious nature, this Court would agree with the opinion of the learned Juvenile Justice Board, Sitamarhi as well as learned 1st Additional District & Sessions Judge-cum-Children Court, Sitamarhi that the best interest of the child would lie in keeping him under observation in the observation home for some more time where some rehabilitation plan may be prepared for the petitioner.

6. This Court having noticed that as per the available materials, he has fallen in bad company and there is no parental control over him, releasing him at this stage would expose him to further indulging in criminal activities, hence, his prayer for release on bail is refused at this stage.

7. This revision application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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