

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.906 of 2022

Arising Out of PS. Case No.-134 Year-2020 Thana- PIRI BAZAR District- Lakhisarai

1. Sunni Kumar Son Of Ram Pravesh Ram @ Bablu Ram Under The Guardianship Of Their Father (Ram Pravesh Ram @ Bablu Ram), R/V-Keshopur, P.S- Piri Bazar, Dist- Lakhisarai
2. Manish Kumar Son Of Ram Pravesh Ram @ Bablu Ram Under The Guardianship Of Their Father (Ram Pravesh Ram @ Bablu Ram), R/V-Keshopur, P.S- Piri Bazar, Dist- Lakhisarai
3. Rahul Kumar Son Of Ram Pravesh Ram @ Bablu Ram Under The Guardianship Of Their Father (Ram Pravesh Ram @ Bablu Ram), R/V-Keshopur, P.S- Piri Bazar, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.K. Lal, Advocate Mr. Narsingh Tanti, Advocate
For the State	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 20-03-2023 Heard learned counsel for the petitioners and learned counsel for the State.

The present Cr. Revision Application has been filed for release of the petitioners in connection with Piri Bazar P.S. Case No. 134 of 2020 after setting aside the order dated 25.08.2020 passed by Juvenile Justice Board, Lakhisarai in connection with the above mentioned case as well as the order dated 10.11.2022 passed in Cr. Appeal No. 34 of 2022.

Counsel for the petitioners submits that learned appellate court have decided about these three petitioners that

all are child in conflict with law. It has come in the finding that they are student of intermediate and class-8th. Counsel for the petitioner further submits that the finding of the Additional District & Sessions Judge-Ist.-cum-Special Judge, SC/ST/Children Court are perverted due to the reason that finding of paragraph-11 of the said appeal are not in consonance with contents of the F.I.R.. Counsel for the petitioners further submits that in the F.I.R. the entire family members were made accused. The father of the petitioners has already been granted bail which is Annexure-3 series vide order dated 02.02.2022 passed in Cr. Misc. No. 2692 of 2022. Counsel for the petitioners further submits that the petitioners are in observation home with effect from 28.04.2022.

Counsel for the State submits that the finding of the trial court is specific against the petitioner but it is true that those findings does not match with the allegation in the F.I.R. Counsel further submits that the S.I.R. report are not in favour of the petitioner but he also submits that the petitioners have no criminal antecedent. Counsel further submits that with a view to save the petitioners, it is necessary that they may remain in remand home.

After going through the facts of the case, hearing the

argument and the documents on record and position of law, this Court is of the view that as per Section 3 of the J.J. Act, the principle of presumption of innocence are in favour of the petitioners not only that the principle of equality and non-discrimination are also there as the other accused persons have already been granted bail. The petitioners' mother is ready to provide an undertaking prior to release.

In this view of the matter, the petitioners are directed to release on the undertaking of their mother and father with a condition that they shall appear once in every month (1st week) before the Protection Officer.

With this direction, the present Cr. Revision application is allowed and the order dated 10.11.2022 passed in Cr. App. No. 34 of 2022 by the learned Additional District and Sessions Judge-Ist-cum-Special Judge, SC/ST, Lakhisarai as well as order dated 25.08.2022 passed by learned Juvenile Justice Board, Lakhisarai in Piri Bazar P.S. Case No. 134 of 2020 is hereby set aside.

(Dr. Anshuman, J.)

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