

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.22 of 2023

Arising Out of PS. Case No.-146 Year-2022 Thana- MASHRAK District- Saran

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Bipin Kumar Son Of Kanhaiya Ram, R/V- Barmaghat Chapiya, P.S.-
Mashrakh, District- Saran (Bihar). Under Guardianship Of Manoj Kumar
Aged About 37 Years Son Of Mukurdhan Ram (Maternal Uncle Of
Petitioner), R/V- Dhangarhan, P.S.- Baniyapur, District- Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate

Mr. Lal Babu Singh, Advocate

For the Respondent/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 17-04-2023

Heard learned counsel for the petitioner and

learned counsel for the State.

The present criminal revision application has been

filed for granting bail to the child in conflict with law in relation
to Mashrakh P.S. Case No. 146 of 2022 dated 02.04.2022
lodged under Sections 341, 323 and 302/34 of the Indian Penal
Code.

Counsel for the petitioner submits that petitioner

has declared as juvenile. There is no allegation against the
present petitioner in the F.I.R., whatever be the allegation it is
against other person i.e. Rajesh Ram and Kanhaiya Ram.
Counsel further submits that name of petitioner has been
inserted in this case only due to the reason that he is minor son

of co-accused Kanhaiya Ram. Counsel further submits that there is no antecedent of the said juvenile. In the S.B.R. and S.I.R. (Social Background Report and Social Investigation Report) it has come that if the petitioner gives positive environment there is every likelihood of improvement to him. Counsel for the petitioner further submits that mother of the petitioner is ready to undertake and file an application before the Court about his behave, which shall also indicate that his behaviour was normal and his son is completely innocent. Counsel further submits that mother is ready to keep away his son from psychological danger.

Counsel for the State submits that the presumption of innocence is in favour of the petitioner and upon his mother assurance, he may be released.

In the present facts and circumstances, the petitioner is directed to release from observation home upon undertaking file by his mother and also both the members are hereby directed to met with the Protection Officer twice in a month.

With this direction, the present Criminal Revision Application is hereby allowed and order dated 10.10.2022 passed by Ist Additional Sessions Judge-cum-Children Court,

Saran at Chapra, Bihar in Criminal (Juvenile) Appeal No. 28 of 2022 as well as order dated 16.06.2022 passed by Juvenile Justice Board, Saran at Chapra in J.J.B. No. 1760 of 2022 arising out of Mashrakh P.S. Case No. 146 of 2022 is hereby set aside.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	