

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.5 of 2023

Arising Out of PS. Case No.-115 Year-2022 Thana- BUNIYAD GANJ District- Gaya

Kaushal Kumar S/O Avinash Kumar @ Mantu Singh, R/V- Bhualpur, P.S.-
Buniyadganj, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Choubey Jawahar, Advocate

For the Respondent/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 12-04-2023

Heard learned counsel for the petitioner and learned
counsel for the State.

The present criminal revision application has been filed
for setting aside the order dated 08.12.2022 passed by Special
Judge Children Court, Gaya in Juvenile Appeal No. 21 of 2022
as well as against the order dated 12.10.2022 passed by
Principal Magistrate, Juvenile Justice Board, Gaya arising out of
Buniyadganj P.S. Case No. 115 of 2022 under Sections 147,
148, 149, 323, 326, 307, 354, 379, 504 and 506 of the I.P.C.
read with Section 27 of Arms Act.

Counsel for the petitioner submits that petitioner was
declared juvenile. He further submits that there is an allegation
against the petitioner of firing by pistol but said fire has caused

on the left thigh. Counsel further submits that it is also true that there are other four criminal cases in which the petitioner is child in conflict with law but from the report, it transpires that the age of juvenile is 17 years 1 month and 20 days. Petitioner is in remand home with effect from 05.05.2022. Counsel further submits that petitioner's father is ready to undertake that in future his son shall not involve in any such activities and he shall personally take care of his child. Counsel further submits that the other accused persons who are major have been granted bail by the Co-ordinate Bench of this Court. Counsel also submits that the social investigation report has come in which it has come that the case was filed against the petitioner at that very time he was in the company of bad persons, lack of discipline and his family members have also involved in the said occurrence. It has also come that he flew from the observation home and also quarreled in the observation home.

Counsel for the State submits that the presence of this petitioner in the observation home is a resulted into difficulty in maintaining the discipline but instead of every thing the presumption of innocence is in favour of petitioner and his father instead of all wrong in his son ready to accept it and also ready to undertake that his son shall not involve in any such

activity and he shall take every possible steps to reform him including periodical visit before the Protection Officer. On the assurance of the father of the petitioner, this Court is inclined to grant bail to the petitioner. At the time of release from the observation home, the father shall file undertaking about behaviour and attitude his son as well as undertake that both father and son shall visit to the Protection Officer periodically twice in a month, with this guidelines the order dated 08.12.2022 passed by Special Judge Children Court, Gaya in Juvenile Appeal No. 21 of 2022 and order dated 12.10.2022 passed by Principal Magistrate, Juvenile Justice Board, Gaya arising out of Buniyadganj P.S. Case No. 115 of 2022 is hereby set aside.

Accordingly, the present Criminal Revision application is hereby **allowed**.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	