

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.34 of 2023

Arising Out of PS. Case No.-379 Year-2022 Thana- DUMRA District- Sitamarhi

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Amit Kumar S/O Shankar Singh Resident Of Village- Gadha Dhanushi Ward No- 2, P.S.- Runnisaidpur, District- Sitamarhi, Under The Guradianship Of Shail Devi, W/O Shankar Kumar @ Shankar Singh, R/O Village- Bhaliwara Tola, Dhanukhi @ Gadha Dhanushi Ward No- 2. P.S.- Runnisaidpur, District- Sitamarhi. Petitioner/S

Versus

The State Of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Respondent/s : Mr. Narsingh Tanti, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-04-2023 Heard learned counsel for the petitioner and learned counsel for the State.

The present Cr. Revision petition has been filed against the order dated 02.12.2022, passed in Cr. Appeal No. 67 of 2022, by the 1st Additional Sessions Judge-Cum-Special Judge (Children Court), Sitamarhi, petitioner confirming the rejection order of the prayer for bail by the J.J. Board, Sitamarhi vide order dated 15.09.2022 in J.J. Board No. 1693 of 2022 in connection with Dumra P.S. Case No. 379 of 2022 under Sections 414 of the I.P.C. and 30(a) of the Bihar Prohibition and Excise Act, 2018.

Counsel for the petitioner submits that the petitioner is a child in conflict with law. He submits that petitioner is a minor and his name has figured in this case only and only due to the

reason that his father involved in such business, due to which, his name figured twice in this case.

Counsel submits that petitioner's mother is very much conscious of the career of her son and she is ready to under-take that upon release, the petitioner shall not involve in any such kind of activities.

Counsel for the petitioner submits that the petitioner has been declared juvenile and as per the principals applicable to juvenile, the presumption of innocence and equity, both are in favour of the petitioner.

Counsel for the State submits that the mother of the petitioner shall file the undertaking that in future her son shall not involve in such kind of activities.

In the present facts and circumstance, the petitioner is directed to be released. Order dated 02.12.2022, passed in Cr. Appeal No. 67 of 2022, by the 1st Additional Sessions Judge-Cum-Special Judge (Children Court), Sitamarhi, and order dated 15.09.2022 in J.J. Board No. 1693 of 2022 in connection with Dumra P.S. Case No. 379 of 2022 are hereby **set-aside**.

(Dr. Anshuman, J.)

Ashishsingh/-

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