

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.212 of 2024

Arising Out of PS. Case No.-349 Year-2023 Thana- NAANPUR District- Sitamarhi

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X (Juvenile), Through His Father And Natural Guardian Namely Md. Asalam
@ Md. Ashlam Son Of Late Md. Salim R/O-Faizpur, Bath Asli, P.S.-Nanpur,
Distt.-Sitamarhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Adv.

For the Respondent/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 18-10-2024 Heard both the parties.

2. This revision application has been preferred by the petitioner being aggrieved with the judgment dated 29.01.2024 passed by the learned Children Court-cum-Additional District and Sessions Judge-I, Sitamarhi in Criminal Appeal No. 91 of 2003 whereby and whereunder, the prayer of bail of the petitioner has been rejected.

3. According to the case of prosecution, a written report has been lodged by the informant on 15.07.2023 in which it is alleged that son of the informant has been murdered by the named persons and other co-accused persons as mentioned in the FIR. During the course of investigation, it is found that the present applicant/petitioner was also involved in the said crime



therefore he has been arrested on 21.07.2023 and since then, he is in observation home.

4. It is submitted by the learned counsel for the petitioner that the petitioner is innocent and is falsely implicated in this case, there is no any direct or indirect evidence available on record against the petitioner. He further submit that the named accused i.e. Md. Meraj has been granted anticipatory bail by this Court vide its Order dated 19.01.2024 passed in Cr. Misc. No. 62 of 2024 and other co-accused person Anwari Khatoon has also been granted benefit of bail by this Court. He submit that the applicant is a juvenile and has no any previous criminal antecedent. He further submit that the Social Investigation Report also does not suggest anything against him therefore, it is prayed that the petitioner/applicant should be granted benefit of bail.

5. Learned counsel for the respondent opposes the prayer of bail made by the counsel for the petitioner.

6. Heard both the counsels, perused the documents annexed with the petition also, perused the case diary as well as the Social Investigation Report.

7. Considering the facts and circumstances of the case and further considering the fact that the named accused person



and the other co-accused persons have already been granted benefit of bail by this Court and there is no any direct or indirect evidence available against the present applicant and considering that he has no any previous criminal antecedent and the Social Investigation Report does not suggest anything against him.

8. Therefore, on this ground I am inclined to allow the application preferred by the petitioner. Accordingly, the bail application is allowed and the order dated 29.01.2024 passed by the learned Children Court-cum-Additional District and Sessions Judge-I, Sitamarhi in Criminal Appeal No. 91 of 2003 and Order dated 02.11.2023 passed by Juvenile Justice Board, Sitamarhi in J.J.B. No. 2160 of 2023 arising out of Nanpur P.S. Case No. 349 of 2023 is hereby set aside.

9. That the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Learned Juvenile Justice Board, Sitamarhi in J.J.B. No. 2160 of 2023, arising out of Nanpur P.S. Case No. 349 of 2023 subject to the following conditions:-

(i) that one of the bailors shall be the father of the petitioner.

(ii) that the guardian of the petitioner shall file an



affidavit before the learned Juvenile Justice Board, Sitamarhi,
giving specific undertaking that after release of the petitioner on
bail, he will take proper care of the petitioner and will not allow
him to fall into bad company.

(Arvind Singh Chandel , J)

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