

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.243 of 2024

Arising Out of PS. Case No.-182 Year-2023 Thana- DUMARIAGHAT District- East
Champaran

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Rahul Yadav @ Golu Son Of Shivjee Yadav @ Shivji Yadav Resident Of
Village- Parwan, Ps- Barharia, Dist- Siwan, Through His Elader Brother
Guardian, Sujit Kumar Yadav , Age 22years, Son Of Shivji Yadav, Resident
Of Village- Pasawa, Ps- Barharia, Dist- Siwan

... .. Petitioner

Versus

The State Of Bihar

... .. Respondent

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Appearance :

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

For the Respondent/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 24-10-2024 Heard.

2. This revision petition has been preferred by the petitioner (Juvenile) being aggrieved with the Order dated 04.01.2024 passed by the learned 1st Additional Sessions Judge cum Special Judge Children's Court, East Champaran at Motihari in Cr. Appeal No. 29 of 2023 whereby and whereunder the learned Special Judge rejected the prayer of bail of the petitioner in connection with Dumariyaghat P.S. Case No. 182 of 2023 for the offences punishable under Section 392 of IPC and Section 27 of the Arms act.

3. According to the case of prosecution it is alleged that on the date of incident i.e. on 22.06.2023 at about 05:30



P.M. present applicant along with other three co-accused persons entered the bank and looted the amount of Rs. 18,71,440/- from the bank and also looted bags from some employees of the bank wherein mobile phone and other articles were kept.

4. During the course of investigation on the basis of confessional statement of co-accused Asarul Miyan @ Asrarul Miyan, the present applicant has been taken in custody and since then he is in observation home.

5. Learned counsel for the petitioner submit that the petitioner is innocent and is falsely implicated in this case, there is no legal evidence available against him to implicate him in this case. He further submit that no Test Identification Parade has been conducted by the prosecution nor looted amount has been recovered from the possession of the petitioner. The confessional statement of the co-accused is not admissible against the petitioner. Lastly, he submit that petitioner is in observation home since 25.09.2023. Since, his father is ready to take custody of the petitioner therefore, it is prayed that he may be granted benefit of bail.

6. State counsel opposes the argument raised by the counsel for the petitioner and submit that according to the Social



Investigation Report the father of the petitioner is residing at Kolkata and other brothers also reside outside. He further submit that there is one previous antecedent against the petitioner. Therefore, his prayer of bail may be rejected.

7. Heard both the counsels. Perused the impugned order as well as other materials available on record.

8. Undisputedly, except the confessional statement of the co-accused Asarul Miyan @ Asrarul Miyan there is no any other evidence available to implicate the petitioner in the present crime.

9. Considering the fact that he is in observation home since 25.09.2023 and as of now, his father is ready to take his custody. I am inclined to allow the application preferred by the petitioner. Accordingly, the bail application is allowed and the order dated 04.01.2024 passed by the learned 1st Additional Sessions Judge cum Special Judge Children's Court, East Champaran at Motihari in Cr. Appeal no. 29 of 2023 and order dated 10.10.2023 passed by Juvenile Justice Board, East Champaran at Motihari in J.J.B. No. 2093 of 2023 arising out of Dumariyaghat P.S. Case No. 182 of 2023 is hereby set aside.

10. 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, East Champaran at Motihari in J.J.B. No. 2093 of 2023 arising out of Dumariyaghat P.S. Case No. 182 of 2023 subject to the following conditions:-

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

(ii) that the father of the petitioner shall file an affidavit before the learned Juvenile Justice Board, East Champaran at Motihari 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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