

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.276 of 2024

Arising Out of PS. Case No.-55 Year-2022 Thana- KOILWAR District- Bhojpur

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C.C.L. THROUGH THE NATURAL GUARDIAN HIS MOTHER SAVITRI
DEVI WIFE OF SATYENDRA PANDEY RESIDENT OF VILLAGE-
PACHRUKHIYA KALA, S- KOILWAR, DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amarendra Kumar, Adv.
For the Respondent/s : Mr.Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

10 23-10-2024 Heard both counsel appearing for the parties.

2. This revision petition has been preferred by the petitioner (juvenile) being aggrieved with the order dated 13.02.2024 passed by learned 1st Additional Sessions Judge, Bhojpur, Ara in Cr. Appeal case No. 60/2023 arising out of Koilwar P.S. Case No. 55/2022 whereby and whereunder the learned Appellate Court affirmed the order dated 12.06.2023 passed by learned Juvenile Justice Board, Ara in J.J.B. No. 85/2023 whereby the learned J.J.B. rejected the prayer of bail of the applicant.

3. In this case, there are two deceased persons namely, Sanjeet Kumar and Durgesh. According to the case of prosecution, on the date of incident both of them went to



Balughat and allegedly present applicant along with other named accused persons and unknown 32-35 persons i.e. about 60 persons came there and they fired gun-shot on both of them due to which both died. During the course of investigation, the present applicant has been taken in custody on 25.02.2023 and since then, he is in observation home.

4. Learned counsel for the petitioner submits that the petitioner is innocent and falsely been implicated in this case. There is no specific allegation against him regarding firing the gun-shot to the deceased person. He fairly submits that similarly situated co-accused persons (major accused persons) have already been granted bail by a Co-ordinate Bench of this Court in various Cr. Misc. cases. He further admits that though there are some previous antecedent of the petitioner-applicant, but the mother of the petitioner is given her affidavit mentioning the fact that she is ready to keep the applicant separately from his family. Therefore, it is prayed by the counsel that the petitioner may be granted benefit of bail.

5. Learned counsel for the State opposes the argument made by learned counsel for the petitioner. He submits that considering the previous antecedents of the petitioner, his application may be rejected.



6. Heard both counsel, perused the material available on record and also gone through the contents of case diary as well as S.I. report.

7. Considering the fact that a general allegation has been made against the petitioner and there is no specific allegation against him regarding firing the gun-shot to the deceased persons and further considering the fact that some of the major accused persons have already been granted benefit of bail by a Co-ordinate Bench of this Court, I am of the view that the petitioner is also entitled to be enlarged on bail. Accordingly, this petition is allowed. The order dated 13.02.2024 passed by learned 1st Additional Sessions Judge, Bhojpur, Ara in Cr. Appeal case No. 60/2023 arising out of Koilwar P.S. Case No. 55/2022 is hereby set aside.

8. Let the above named petitioner-applicant be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhojpur, Ara in Cr. Appeal case No. 60/2023 arising out of Koilwar P.S. Case No. 55/2022, subject to the following conditions:-

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



(ii) that the father/mother of the petitioner shall file an affidavit before the learned 1st Additional Sessions Judge, Bhojpur, Ara giving specific undertaking that after release of the petitioner on bail, he will taken proper care of the petitioner and will not allow him to fall into bad company.

(Arvind Singh Chandel , J)

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