

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 299 of 2024

Arising Out of PS. Case No.-276 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Saroj Kumar Son Of Ramjas Rai @ Ramyash Ray Under The Guardianship
Of His Father Ramjas Rai @ Ramyash Rai Resident Of Village- Kushail Ps-
Pupri, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha
For the Respondent/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

3 22-08-2024 Heard.

2 This revision has been preferred by the petitioner (juvenile) being aggrieved with the order dated 28.02.2024 passed by the Children Court -cum- learned Additional Sessions Judge I, Sitamarhi in Criminal Appeal No 2 of 2024 whereby the prayer for bail of the petitioner has been rejected by the appellate Court and the appellate Court also affirmed the order of the JJB, Sitamarhi dated 10.10.2023 in connection with Runnisaidpur PS Case No 276 of 2023, JJB Case No 2052 of 2023.

3 According to the case of the prosecution, on 22.05.2023, when the son of the informant Jai Narayan Rai, aged about 12 years, was playing with his friend, allegedly the



FIR named accused Chandan Kumar and three others kidnapped the son of the informant. FIR has been lodged by Jai Narayan Rai, i e, the father of the victim boy Shailendra Kumar. On the basis of the said, FIR for the offence punishable under Sections 364A/34 of the IPC has been registered and during the course of investigation, the petitioner has been arrested.

4 Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In the FIR, the name of the present petitioner is not mentioned. The victim boy has also been recovered from the possession of co-accused Chandan Kumar who has already been granted regular bail by this Court in Cr Misc No 69730 of 2023 (Annexure P/3). He further submits that no Test Identification Parade of the applicant was conducted by the police. Therefore, prima facie, no offence, as alleged, is made out against the petitioner. It is further submitted that the petitioner is a minor boy and is behind the bar since 23.05.2023. Social Investigation Report also does not suggest anything against the petitioner. Therefore, it is prayed by him that the petitioner may be granted the privilege of bail.

5 Learned counsel for the State opposes the prayer for bail.



6 Considering the submission of both the counsel and further considering the fact that the petitioner is in jail since 23.05.2023 and also considering the fact that the social investigation report does not suggest anything against the petitioner, the petitioner is granted the privilege of bail.

7 Considering the above facts, this revision petition is allowed.

8 Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Children Court -cum- learned Additional Sessions Judge I, Sitamarhi in JJB Case No 2052 of 2023 arising out of Runnisaidpur PS Case No 276 of 2023 subject to the following conditions:

(i) That one of the bailors should be the father of the petitioner, and

(ii) That the father of the petitioner shall file an affidavit before the concerned Court below, 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)

M.E.H./-

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