

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 305 of 2024

Arising Out of PS. Case No.-2 Year-2023 Thana- MAHARAJGANJ District- Siwan

Shyambabu Kumar @ Shyam Babu Sah S/O Chandrama Sah Under Guardianship Of His Father Namely Chandrama Sah, R/O Village- Bishunpur Mahuari, Deuriya, P.S- Maharajganj, Distt.- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gayatri Devi W/O Munna Sah R/O Village- Bishunpur Mahuari, P.S- Maharajganj, Distt.- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr Ranjeet Kumar Pandey, Advocate
For the State	:	Mr Tarun Prasad Mandal, APP
For Opposite Party No 2	:	M/s Ajay Kr Pandey, Shyama Rani, Advocates

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

5 22-08-2024 Heard.

2 This revision has been preferred by the petitioner (juvenile) being aggrieved with the order dated 27.02.2024 passed by the Children Court -cum- learned Additional Sessions Judge I, Siwan in Criminal Appeal No 32 of 2023 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, Siwan dated 18.10.2023 in connection with GR No 14 of 2023 arising out of Maharajganj PS Case No 2 of 2023, JE No 80 of 2023.

3 According to the case of the prosecution, one



Gayatri Devi lodged the FIR stating therein that on 01.01.2023 at about 8 pm, she was going to sleep after taking meal. At that time, the petitioner along with other accused persons came there armed and due to previous enmity, they assaulted Osiyar Sah, Munna Sah, Arun Sah and Sanu Sah. Due to that, Osiyar Sah died on the spot and other inmates sustained injuries on their body.

4 The petitioner (juvenile) surrendered before the Court below on 04.01.2023.

5 Referring to the post mortem report of deceased, learned counsel for the petitioner submits that only one cut injury was found on the right thigh of the deceased. Therefore, no offence under Section 302 of the IPC is made out. He further submits that the petitioner (juvenile) is a minor boy aged about 14 years, 6 months and 21 days. It is further submitted that though social investigation report suggests that the petitioner used to take liquor and other intoxicated articles and also suggests that he is in association with drunkard persons but there is no any previous antecedent of the petitioner. Therefore, considering the above and further considering the detention period of the petitioner (juvenile), it would be appropriate to grant him the benefit of bail.



6 Learned counsel for the State and learned counsel for opposite party No 2 oppose the prayer for bail.

7 Considering the submission of the counsel and further considering the fact that the petitioner is in jail since 04.01.2023, the petitioner is granted the privilege of bail.

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

9 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, Siwan in JE No 80 of 2023 arising out of Maharajganj PS Case No 2 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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