

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.322 of 2024

Arising Out of PS. Case No.-74 Year-2022 Thana- GUTHANI District- Siwan

Rajnish Mishra S/o Arvind Mishra (Under the Gaurdianship of Mother Poonam Devi), R/o vill - Sematar, P.S. - Guthani, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Dubey Mr. Kumar Gaurav Mr. Shashank Kashyap
For the Respondent/s	:	Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 19-09-2024 Heard learned counsel for the petitioner and learned counsel for the respondent.

2. This revision petition has been preferred by the applicant (juvenile) being aggrieved with the order dated 19.03.2024 passed by the learned Children Court-cum-Additional Distict and Sessions Judge-I, Siwan in connection with Cr. Appeal Case No. 02 of 2024, whereby and whereunder the learned Appellate Court affirmed the order of the Juvenile Justice Board dated 19.12.2023 in connection with G.R. Case No. 1077 of 2022 arising out of Guthani P.S. Case No. 74 of 2022 and rejected the prayer of bail of the applicant-petitioner.

3. According to the case of prosecution, allegedly on 23.08.2022, the applicant (juvenile) along with other co-accused



persons assaulted the Ramdayal Mishra with the help of rod fersa, sticks and other weapons due to which he died. It is further alleged that accused persons also assaulted one Nagendra Mishra, Vivek Mishra and Shruti Kumari due to which they sustained injury.

4. On the basis of the report made by the informant, the offence under Sections 147, 148, 149, 323, 324, 307, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act have been registered.

5. Learned counsel for the petitioner-applicant submits that petitioner is innocent and has falsely been implicated in this case due to some family disputes. He further submits that only general and omnibus allegations have been made against the petitioner. It is also submitted that there is no material available on record which shows that the petitioner has committed such an overt act. He further submits that most of the other co-accused persons namely, Paras Mishra, Nirmal Mishra and Khushbu Mishra have already been granted benefit of regular bail by this Court. He lastly submits that there is no criminal antecedent of the petitioner-applicant and the Social Investigation Report also does not suggest anything against the petitioner. He further submits that petitioner/applicant is in



observation home since 23.11.2023. Therefore, it is prayed by him that applicant-petitioner may be enlarged on bail.

5. Learned counsel for the respondent-State opposes the above submissions raised by the learned counsel for the applicant.

6. Having considered the above facts and circumstances of the case and the submissions advanced on behalf of the learned counsels for the parties, I am inclined to allow the application of the applicant. Accordingly, the prayer for bail of the applicant is allowed. The order dated 19.03.2024 passed by the Children Court-I-cum-Additional District and Sessions Judge, Siwan in Cr. Appeal Case No. 02 of 2024 arising out of Guthani P.S. Case No. 74 of 2022 and the order dated 19.12.2023 passed by the Juvenile Justice Board, Siwan are, hereby, set aside.

7. 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 Juvenile Justice Board, Siwan in connection with Guthani P.S. Case No. 74 of 2022, subject to the following conditions:-

(i) that one of the bailors shall be mother of the



petitioner.

(ii) that the father/mother of the petitioner shall file an affidavit before the learned Juvenile Justice Board, Siwan 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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