

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 338 of 2024**

Arising Out of PS. Case No.-329 Year-2023 Thana- MURLIGANJ District- Madhepura

Shiva Kumar @ Shiv Kumar (Minor) Son of Dinesh Mandal Resident of
Village- Murli Chandwa, P.S.- Udakishunganj, Dist.- madhepura, Under Legal
Guardianship of his mother namely Mina Devi

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Uday Chand Prasad, Advocate
For the Respondent/s : Mr Umesh Lal Verma, APP

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

2 20-09-2024 Heard.

2 This revision petition has been preferred by the petitioner (juvenile) being aggrieved with the judgment dated 15.01.2024 passed by the learned Additional Sessions Judge I -cum- Special Judge, Juvenile Act, Madhepura in Criminal Appeal No 33 of 2023 whereby and where under the learned Appellate Court affirmed the order of JJB, Madhepura dated 22.11.2023 and rejected the prayer for bail of the petitioner.

3 According to the case of the prosecution, on the basis of information received from the informant, a raid was conducted and 3792 liters of Indian Made Foreign Liquor was recovered from the truck and the pick up van. The persons, who were involved in the alleged crime, fled away from the spot. It



was the further case of the prosecution that at the time of raid, the present petitioner (juvenile) was present near the said truck and pick up van and allegedly, he was unloading the liquor from the truck at the time of incident.

4 It is submitted by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He is neither the owner nor the driver of the said vehicles from which the recovery has been made. He further submits that nothing incriminating article has been recovered from the possession of the petitioner. Other accused persons have already been granted anticipatory bail by this Court. Lastly, it is submitted that the present petitioner, who is a juvenile, is in the Observation Home since 13.08.2023. He has no antecedent and the SI Report also does not suggest anything against him.

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

6 Considering the fact that all accused persons have already been granted anticipatory bail by this Court, SI Report of the petitioner does not suggest anything against him and he is in custody since 13.08.2023, the petitioner is granted the privilege of bail.



7 Accordingly, 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 Juvenile Justice Board, Madhepura in Murliganj PS Case No 329 of 2023 subject to the following conditions:

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

(ii) That the mother of the petitioner shall file an affidavit before the concerned Court below, giving specific undertaking that after release of the petitioner on bail, she 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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