

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.345 of 2024

Arising Out of PS. Case No.-152 Year-2023 Thana- JAMOBABAZAR District- Siwan

Golu Ali son of Bismillah Miyan Village- Rampur Ps- Jamo Bazar Dist-
Siwan P/A- Rampur Ps- Jamo Bazar dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
For the Respondent/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 13-08-2024

Heard learned counsel for the petitioner and
learned counsel for the State.

2. This revision petition has been preferred by the applicant (juvenile) against the order dated 18.03.2024 passed by the 1st Additional Sessions Judge-cum-Children Court, District-Siwan in Cr. Appeal No. 34 of 2023, whereby the learned Appellate Court affirmed the order dated 17.10.2023 passed by the Juvenile Justice Board, Siwan in G.R. No. 3359 of 2023 arising out of Jamo Bazar P.S. Case No. 152 of 2023 for the offence under Section 302/34 of the Indian Penal Code by which regular bail of the petitioner has been rejected.

3. According to case of prosecution, on



10.07.2023 one Guddu Singh lodged a report alleging therein that on the same day at about 11:30 A.M. one Nitish Kumar informed him that his son Pankaj Kumar is lying unconscious in Rampur School and blood was coming from his mouth and nose. He reached there and it was informed by the villagers that the altercation took place between both the applicant and the deceased boy Pankaj Kumar and co-accused Md. Khalil, who is the teacher of the said School. During that, this applicant throttled the neck of the deceased due to which he died. Thereafter, first information report was registered and during course of investigation, on 11.07.2023 applicant has been taken in custody and since then he is in observation room/remand home.

4. Learned counsel for the petitioner submits that the applicant/petitioner has falsely been implicated in this case. There is no eye witness in the case and some of the witnesses, who stated in their statements that the petitioner has throttled the neck of the deceased boy, are the hearsay witnesses. Therefore, their statements are suspicious. Thus, no prima facie case under Section 302 of the Indian Penal Code is made out against this petitioner. He further submits that the petitioner is a boy aged about fifteen years three months and nine days. He is in custody



since 11.07.2023. He has no criminal antecedent and the social investigation report also does not say any specific allegation against the petitioner. Therefore, it is prayed that bail may be granted to the petitioner. Further he submits that mother of the petitioner is ready to take custody of petitioner.

5. Learned counsel for the State opposes the submission of learned counsel for the petitioner.

6. Having considered the above facts and circumstances of the case and the submissions advanced on behalf of learned counsels as well as the fact that the petitioner is aged about fifteen years three months and nine days, having no criminal antecedent and is in custody since 11.07.2023 as also the fact that social investigation report does not suggest any specific against the petitioner boy, the prayer of the petitioner is allowed.

7. Accordingly, the revision petition is allowed. The order dated 18.03.2024 passed by the 1st Additional Sessions Judge-cum-Children Court, Siwan in Cr. Appeal No. 34 of 2023 arising out of Jamo Bazar P.S. Case No. 152 of 2023 is set aside.

8. Let the above named petitioner be enlarged on bail on execution of surety bond by the mother of the



applicant/petitioner giving undertaking that she will keep proper care and upkeep of the petitioner and shall fully co-operate in the pending trial.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.08.2024
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