

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.459 of 2024

Arising Out of PS. Case No.-329 Year-2023 Thana- ISUAPUR District- Saran

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Dhiraj Kumar @ Dhiraj Kumar Mahto @ Dhiraj Mahto S/o Sri Satrudhan Mahato @ Satrohan Mahato, Under the Guardianship of his Brother Namely Raju Kumar R/o Village-Chanchaliya, Post-Rajdhani, P.S.-Taraiya, District-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh, Adv.

For the Respondent/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

7 04-10-2024 This revision petition has been preferred by the petitioner (Juvenile) being aggrieved with the judgment dated 08.05.2024 passed by the First Additional Sessions Judge Cum Children Court Saran at Chapra in Criminal (Juvenile) Appeal No. 07 of 2024 whereby and whereunder the learned Appellate Court affirmed the order dated 12.03.2024 passed by the Juvenile Justice Board Saran at Chapra in J.J.B. Case No. 16 of 2024 arising out of Isuapur P.S. Case No. 329/2023 registered for offences under Section 302/201 of IPC and also rejected the prayer of bail of the petitioner/applicant.

2. According to the case of prosecution on 20.12.2023 during course of patrolling the informant i.e. chaukidar got the information that a dead body of unknown person is lying in field



near Nipaniya Canal in village Nipaniya. After reaching the spot the informant found that a dead body of unknown person aged about 24-25 years was lying there.

3. On the statement made by the informant offences has been registered under section 302/201 of IPC against the unknown persons and during course of investigation statement of the co-accused Rina Kumari has been recorded and on the basis of her statement the present applicant has been arrested on 25.12.2023 and since then he is in observation home.

4. It is submitted by the learned counsel for the petitioner that there is no any direct evidence available on record that indicate that the present applicant/petitioner is involved in the said crime and in this case the applicant is implicated only on the confessional statement of one co-accused Rina Kumari. Learned counsel further submit that other co-accused persons namely Rina Kumari and Irshad Alam has been released on bail. He prays that since, there is no direct evidence against the petitioner therefore, it is prayed that he may be granted benefit of bail.

5. Learned counsel for the State opposes the argument raised by the counsel for the petitioner.

6. Heard both the counsels, perused the impugned



order as well as documents annexed with the petition.

7. Considering the fact that there is no any direct evidence against the petitioner/applicant and the co-accused persons namely Rina Kumari and Irshad Alam have been already granted benefit of bail and further considering that there is no any previous antecedent of the petitioner. I am of the view that the present petitioner should be granted benefit of bail. Accordingly, the revision petition is allowed and the order dated 08.05.2024 passed by the First Additional Sessions Judge Cum Children Court Saran at Chapra in Criminal (Juvenile) Appeal No. 07 of 2024 and Order dated 12.03.2024 passed by the Juvenile Justice Board Saran at Chapra in J.J.B. Case No. 16 of 2024 arising out of Isuapur P.S. Case No. 329/2023 are hereby set aside.

8. It is directed that the petitioner herein be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Learned Juvenile Justice Board case no. J.J.B. No. 16 of 2024 arising out of Isuapur P.S. Case No. 329/2023 subject to the following conditions:-

(i) that one of the bailors shall be the guardian of the petitioner.



(ii) that the guardian/close relative of the petitioner shall file an affidavit before the learned Juvenile Justice Board, Aurangabad, 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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