

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.474 of 2024

Arising Out of PS. Case No.-486 Year-2023 Thana- BISFI District- Madhubani

C.I.C.L. Amarjit Kumar @ Amarjit Kumar Chaupal S/o Chulhai Chaupal @ Chulhai Chupal RESIDENT OF VILLAGE-RAGHEPURA YADUPATTI POLICE STATION-PATAUNA BISFI, DISTRICT- MADHUBANI. UNDER GUARDIANSHIP OF HIS MOTHER NAMELY ANARSI DEVI, AGED ABOUT 30 YEARS, W/O CHULAI CHAUPAL @ CHULHAI CHAUPAL RESIDENT OF VILLAGE- RAGHEPURA YADUPATTI POLICE STATION- PATAUNA BISFI, DISTRICT- MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

with
CRIMINAL REVISION No. 529 of 2024

Arising Out of PS. Case No.-486 Year-2023 Thana- BISFI District- Madhubani

C.I.C.L. (RAJA KUMAR @ RAJA KUMAR CHAUPAL) S/O PAWAN KUMAR CHAUPAL @ PAVAN CHAUPAL @ PAVAN CHAPAL RESIDENT OF VILLAGE- RAGHEPURA YADUPATTI, POLICE STATION- BISFI (PATAUNA), DISTRIC- MADHUBANI, UNDER THE GUARDIANSHIP OF HIS FATHER NAMELY PAWAN KUMAR CHAUPAL @ PAVAN CHAUPAL @ PAVAN CHAPAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :
(In CRIMINAL REVISION No. 474 of 2024)
For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Respondent/s : Mr. Nawal Kishore Prasad
(In CRIMINAL REVISION No. 529 of 2024)
For the Petitioner/s : Mr.Nilendu Kumar Choudhary
For the Respondent/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 28-11-2024 Heard learned counsel for the petitioners and learned
APP for the State.



2. Since the both the petitioners in the revision petitions are the accused in a crime which relate to Bisfi (Patauna) P.S. Case No. 486 of 2023, therefore both the revision petitions are decided by this common order.

3. Since both the petitioners assailed the order dated 04.05.2024 and 01.06.2024 respectively passed by the learned court of 1st Additional Sessions Judge-cum-Children Judge, Madhubani in Juvenile Appeal Nos. 06 of 2024 & 08 of 2024 respectively, arising out of Bisfi (Patauna) P.S. Case No. 486 of 2023 for the offences punishable under sections 302/201/34 of the Indian Penal Code whereby and whereunder the learned Appellate Court affirmed the order of the Juvenile Justice Board and rejected the prayer of bail of these petitioners.

4. According to the case of prosecution, seven named accused persons, F.I.R. has been lodged by the informant namely Kamre Alam on 02.12.2023 stating therein that his nephew (Nasrul Hoda) has been killed by them and other persons. On the basis of said offence, FIR has been registered. During course of investigation, it is found that both the present petitioners in these petitions have committed murder of said deceased (Nasrul Hoda). They were taken into custody on 03.12.2023. Since then, they are in Observation-Home. Both the



petitioners firstly prefer the application for grant of bail before the Juvenile Justice Board, Madhubani which has been rejected, subsequently which has been challenged before learned Appellate Court, Madhubani which has also rejected vide impugned order mentioned hereinabove.

5. Learned counsel for the petitioners submit that both the petitioners are innocent and have falsely been implicated in these cases. There is no any direct evidence against them, they are implicated in this case on the basis of confessional statement made by co-accused Raja Kumar Chaupal. Apart from that, there is no any evidence available on record to implicate these petitioners for the crime in question. Since, confessional statement of the co-accused is not admissible against these petitioners. Therefore, on this ground alone, they are entitled to get benefit of bail. They have no any criminal antecedent and the Social Investigation Report also does not suggested anything against the petitioners. They are in Observation-Home since 03.12.2023 i.e. near about one year. Therefore, on this ground, it is prayed that they will be enlarged on bail.

6. Learned counsel for the respondent-State has opposes the above submissions and submits that there are sufficient materials available on record to implicate the



petitioners to crime in question.

7. Perused the case diary as well as other material available on records.

8. Considering the submissions put forth by the counsels, further considering that they have no any criminal antecedent and the Social Investigation Report also does not suggested anything against the petitioners, I am of the view that it is a case where both the petitioners should be granted bail. Accordingly, the prayer for bail of the petitioners are allowed. The order dated 04.05.2024 and 01.06.2024 respectively passed by the learned court of 1st Additional Sessions Judge-cum-Children Judge, Madhubani in Juvenile Appeal Nos. 06 of 2024 & 08 of 2024 in connection with E.N. No. 1528 of 2023, arising out of Bisfi (Patauna) P.S. Case No. 486 of 2023 is hereby, set aside.

8. Let the above named petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of 1st Additional Sessions Judge-cum-Children Judge, Madhubani in connection with E.N. No. 1528 of 2023, arising out of Bisfi (Patauna) P.S. Case No. 486 of 2023, subject to the following conditions:-



(i) that one of the bailors shall be father/mother of the petitioners.

(ii) that the father/mother of the petitioners shall file an affidavit before the learned Juvenile Justice Board, Madhubani giving specific undertaking that after release of the petitioner on bail, he will take proper care of the petitioners and will not allow them to fall into bad company.

(Arvind Singh Chandel , J)

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