

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 433 of 2023

Arising Out of PS. Case No.-359 Year-2022 Thana- AGAMKUAN District- Patna

Priyanshu Kumar S/o- Sri Sadanand Prasad Mohalla- MIG Sec. No-3, Bhooth
Nath Colony , B.N Road PS- Agamkuan Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Beby Devi W/O Sonu Paswan R/O Bhootnath Road, Housing Colony,
M.I.G., Sector-3, Block-10, Flat No-428, P.S- Agamkuan, Distt.- Patna. Mob
No. 7033026708.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

8 01-08-2024 Heard.

2 This revision petition has been filed against the order dated 31.03.2023 passed in Criminal Appeal No 142 of 2022 by the Special Judge, Children Court -cum- Additional Sessions Judge I, Patna whereby and whereunder the appeal filed by the petitioner (juvenile) has been dismissed and order dated 01.12.2022 passed by the JJB, Patna in JJB Case No 395 of 2022 arising out of Agamkuan PS Case No 359 of 2022 registered for the offence punishable under Sections 302, 120B/34 of IPC, Section 27 of the Arms Act and Sections 3 (2) va of the SC/ST Act has been upheld.

3 According to the case of the prosecution, Suraj



Kumar, the son of the informant was found dead near the Janta Flat Mushari. Matter was reported by Baby Devi alleging therein that the present petitioner (juvenile) along with other co-accused persons had taken the deceased boy with them and committed his murder. On the basis of said report, the case has been registered and during the course of investigation, the petitioner was arrested on 21.05.2022. He moved for grant of bail before the JJB, Patna which has been rejected by the JJB vide its order dated 01.12.2022 which has been challenged by him before the Additional Sessions Judge I -cum- Special Judge, Juvenile Court Patna in Criminal Appeal No 142 of 2022. The learned Special Judge also rejected the bail and affirmed the order passed by the learned JJB. Hence, this revision petition has been preferred.

4 It is submitted by the learned counsel for the petitioner that in this case, there were four accused persons, out of them three are still absconding. The petitioner is a minor boy. He is in custody since 21.05.2022. He has no previous antecedent and there is no direct allegation against him. Further, there is no eye witness in this case. Therefore, he is entitled to grant of bail. He further submits that social investigation report also does not suggest any contrary to the petitioner. Therefore,



it is prayed by the learned counsel for the petitioner that the petitioner may be granted the benefit of bail.

5 Considering the above facts, this application is allowed.

6 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 JJB, Patna in JJB Case No 395 of 2022 arising out of Agamkuan PS Case No 359 of 2022 subject to the following conditions:

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

(ii) That the father of the petitioner shall file an affidavit before the concerned Court below, 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)

M.E.H./-

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