

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.457 of 2023

Arising Out of PS. Case No.-328 Year-2022 Thana- CHENARI District- Rohtas

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GOLU YADAV @ NIRANJAN KUMAR (CHILD IN CONFLICT WITH LAW) Son of Ganga Yadav @ Ganga Singh Resident of Village - Paharpur, P.S.- Sheosagar, District - Rohtas, Preferred by father namely Ganga Yadav @ Ganga Singh. Under the Guardianship of the Juvenile Petitioner Ganga Prasad @ Ganga Singh, Son of Soma Singh, R/O Vill.- Paharpur, P.S.- Sheohar, Dist.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad
For the Respondent/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 25-09-2024 Heard both counsels appearing for the parties.

1. This revision application has been preferred by the petitioner/juvenile being aggrieved with the impugned order dated 15.05.2023 passed by the 1st Additional District & Sessions Judge-cum-Special Judge, Children Court, Rohtas at Sasaram in Criminal Appeal No. 05/2023, arising out of Chenari P.S. Case No. 328/2022, whereby and whereunder the learned Appellate Court affirmed order dated 19.12.2022 passed by the J.J.B Rohtas, in connection J.J.B Case No. 451/2022 for the offences under Sections 302,120(B) and 34 of IPC whereby the learned J.J.B rejected the prayer of bail of the petitioner and the learned Appellate Court also rejected the prayer of bail vide



impugned order.

2. According to the case of prosecution, on 02.11.2022 between 4:00 P.M. to 6:00 P.M., the deceased Sikandar Singh was murdered by the accused persons. Allegedly, present applicant and co-accused Bhulan Yadav were taken by the deceased from his house in the Auto Rikshaw which was driven by Bhulan Yadav. On the basis of the information given by the informant, First Information Report has been registered and during course of investigation, the applicant was taken in custody on 05.11.2022, since then he is in observation home.

3. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. There is no evidence on record against the petitioner, the main assailants are the other co-accused persons. He further submits that on the same footing co-accused Bhulan Yadav has already been granted regular bail by a Co-ordinate Bench of this Court vide order dated 20.06.2023 passed in Criminal Miscellaneous No. 11890/2023. Lastly, he submits that the present applicant is a juvenile and is in observation home since 05.11.2022. He has no any previous Criminal Antecedent and social investigation report also does not suggest anything against him. Therefore, it is prayed that he may be granted benefit of



bail.

4. Learned counsel for the respondent-State opposes the above argument raised by the counsel for the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner and further considering the material available on record and considering the fact that on the same footing co-accused Bhulan Yadav have already been granted benefit of bail, I am of the view that the petitioner is also entitled to get privilege of bail. Accordingly, application/petition preferred by the petitioner is allowed.

6. The order dated 15.05.2023 passed by the 1st Additional District & Sessions Judge-cum-Special Judge, Children Court, Rohtas at Sasaram in Criminal Appeal No. 05/2023, arising out of Chenari P.S. Case No. 328/2022, and order dated 19.12.2022 passed by the J.J.B., Rohtas in connection J.J.B. Case No. 451/2022 are hereby set aside.

7. Let the above named petitioner-applicant be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Rohtas at Sasaram in connection with Chenari P.S. Case No. 328/2022, subject to the following conditions:-



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

(ii) that the father/mother of the petition shall file and affidavit before the learned Juvenile Justice Board, Rohtas at Sasaram 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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