

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.528 of 2024

Arising Out of PS. Case No.-444 Year-2023 Thana- MUFFASIL District- West Champaran

Gudiya Kumari @ G. K. Daughter of Smt. Rita Devi (child in conflict with law), Resident of village - Ward No.- 7 Sugauli, P.S.- Shikarpur, District - West Champaran, through his mother and natural guardian Rita Devi aged about 29 years, gender - female, wife of Gaurakh Mukhiya, Resident of village - Ward No.- 7 Sugauli, P.S.- Shikarpur, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alexander Ashok Mr. Jawed Akhtar
For the Respondent/s	:	Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 24-09-2024 Heard learned counsel for the petitioner-applicant and
learned counsel for the State.

2. This revision petition has been preferred by the petitioner-applicant (juvenile) being aggrieved with the order dated 20.05.2024 passed by the Additional Sessions Judge-I-cum-Children Court, Bettiah, West Champaran in Cr. Appeal No. 07 of 2024, whereby and whereunder the learned Appellate Court affirmed the order of Juvenile Justice Board, Bettiah, West Champaran in J.J.B. Case No. 1225 of 2023 arising out of Bettiah Mufassil P.S. Case No. 444 of 2023 registered for the offences punishable under Sections 302, 328/34 of the Indian Penal Code and Section 27 of the Arms Act, whereby the



learned Juvenile Justice Board rejected the prayer for bail of the petitioner-applicant.

3. According to the prosecution case, on 04.07.2023, the informant, maternal-grandmother of the deceased lodged the report alleging therein that two unknown persons came her house and taken the deceased with them. Thereafter, the dead body of the deceased was found nearby house at about 04:00 p.m. On the basis of the said information, first information report was registered. During course of investigation, on the basis of the confessional statement made by co-accused Anurag Kumar Pandey, the present applicant has been arrested. Since the petitioner-applicant is a juvenile, presently he is in observation home.

4. Learned counsel for the petitioner submits that petitioner-applicant is innocent and he has falsely been implicated in the present case. There is no direct evidence available on record to implicate him in the alleged crime. He has been implicated only on the basis of confessional statement of co-accused Anurag Kumar Pandey, who has already been granted regular bail on 05.03.2024 by a Co-ordinate Bench of this Court in Cr. Misc. No. 80344 of 2023. Lastly, he submits that applicant-petitioner has no criminal antecedent and the



Social Investigation Report also does not suggest anything against the petitioner.

5. Learned counsel for the State opposes the submissions advanced on behalf of the learned counsel for the petitioner.

6. Having considered the above submissions made by both the counsels and further considering the fact that the main accused Anurag Kumar Pandey has already been granted benefit of bail by a Co-ordinate Bench of this Court and there is no direct allegation against petitioner and the applicant, being juvenile, has no criminal antecedent, I am inclined to allow the application of the petitioner-applicant.

7. Accordingly, the prayer for bail of the applicant is allowed. The order dated 20.05.2024 passed by the Additional Sessions Judge-I-cum-Children Court, Bettiah, West Champaran in Cr. Appeal No. 07 of 2024 arising out of Bettiah Mufassil P.S. Case No. 444 of 2023 and the order dated 25.01.2024 passed by the Juvenile Justice Board, Bettiah, West Champaran are, hereby, set aside.

8. 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, Bettiah, West Champaran in connection with Bettiah Mufassil P.S. Case No. 444 of 2023, subject to the following conditions:-

- (i) that one of the bailors shall be mother of the petitioner.
- (ii) that the father/mother of the petitioner shall file an affidavit before the learned Juvenile Justice Board, Bettiah, West Champaran giving specific undertaking that after release of the petitioner on bail, he/she 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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