

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.628 of 2024

Arising Out of PS. Case No.-119 Year-2022 Thana- BAJPATTI District- Sitamarhi

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Samarjeet Yadav @ Samarjeet Kumar Yadav @ Sarvjeet Yadav Son of Kalevar Ray R/V- VILLAGE- MAJGAWA HIRSINGPUR @ MAJGAMA @ MAJGABHA, P.S.- BATHNAHA, DISTT.- SITAMARHI, UNDER THE GUARDIANSHIP OF JAY MALA DEVI AGED ABOUT-50 YEARS, GENDER-FEMALE, W/O- KALEVAR RAY, R/O- VILLAGE- HIRSINGPUR @ MAJGAWA HIRSINGPUR, WARD NO. -06, P.S.- BATHNAHA, DISTT.- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar
For the Respondent/s : Mr. Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-08-2024 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor appearing for the State.

2. This revision application has been filed against the judgment and order, dated 06.06.2023, passed by learned 1st Additional District & Sessions Judge -cum- Special Judge (Children Court), Sitamarhi, Criminal Appeal No. 25 of 2023. By impugned order, the learned 1st Additional District & Sessions Judge -cum- Special Judge (Children Court), Sitamarhi, has affirmed the order, dated 02.02.2023, passed by the J. J. Board, Sitamarhi, in J. J. B. Case No. 1851 of 2022, arising out of Bajpatti P. S. Case No. 119 of 2022, registered for the offences punishable under Section 399/402 of the Indian



Penal Code read with Sections 25(1-b)a/26/35 of the Arms Act and Sections 8(c)/20(b)(ii)(c)/29 of the NDPS Act.

3. The prosecution case, as per the First Information Report, is that the police on getting confidential information that 5-7 miscreants, including the petitioner, have assembled at Rasalpur, Malpatti, Konha Gachhi for committing crime, proceeded towards the place of occurrence. On seeing the police party, all the miscreants started fleeing away, but two persons, including the petitioner, were apprehended and rest succeeded in fleeing away. Upon search, one loaded pistol with four live cartridges and one bag containing 1 Kg 10 gram charas was recovered from the possession of the petitioner.

4. Earlier, the bail application of the petitioner was rejected by this Court vide order, dated 05.09.2023, in Cr. Rev. No. 456 of 2023, taking into account the report of the Child Welfare Officer that the petitioner has made repeated offences after being released from the remand home and he may fall into bad company. The petitioner has nine criminal antecedents. While rejecting the bail application of the petitioner this Court granted him liberty to renew his prayer for bail after six months.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 07.05.2022 i.e. for more than two



years. The father of the petitioner is ready to take proper care of the petitioner after release on bail and he shall also not allow the petitioner to fall him into bad company and would try to change his behaviour.

6. Having regard to the submissions made by the parties and in view of the fact that the father has given undertaking to reform his child, accordingly, in the best interest of the child in conflict with law, I am inclined to grant bail to the petitioner.

7. Accordingly, this application is allowed and the order dated 06.06.2023, passed by learned 1st Additional District & Sessions Judge -cum- Special Judge (Children Court), Sitamarhi, in Criminal Appeal No. 25 of 2023, is hereby set aside.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Sitamari, in connection with J.J. Board Case No. 1851 of 2022, arising out of Bajpatti P. S. Case No. 119 of 2022, subject to the following conditions:-

(i) that one of the bailors shall be the father of the petitioner;



(ii) that the father of the petitioner shall file an affidavit before the learned Juvenile Justice Board, Sitamarhi, 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.

(Anil Kumar Sinha, J)

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