

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.810 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- DAUDNAGAR District- Aurangabad

Nikhil Kumar Son of Surendra Singh R/O Village- Mahendra Chak, P.S.-
Daudnagar, District- Aurangabad. Under the Guardianship of His Mother
namely Vimla Devi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramchandra Singh Son of Late Suryadeo Yadav Village- Prasad Bigha, PS-
Daudnagar, District- Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Ms. Sakshi Deep
For the Respondent/s	:	Mr. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 28-11-2024

Heard learned counsel for the petitioner and
learned counsel for the respondent.

2. This revision petition has been preferred by the
applicant (juvenile) being aggrieved with the order dated
08.08.2024 passed by the learned Presiding Officer-cum-1st
Additional District and Sessions Judge, Children Court,
Aurangabad in connection with Cr. Appeal No. 44 of 2024
arising out of Daudnagar P.S. Case No. 96 of 2024 (JJB No.
1207 of 2024) for the alleged offences punishable under
Sections 341, 323, 325, 307 and 302 read with section 34 of the
Indian Penal Code, whereby and whereunder the learned



Appellate Court affirmed the order of the Juvenile Justice Board and also rejected the prayer of bail of the applicant-petitioner.

3. According to the case of prosecution, allegedly on 09.03.2024, when the deceased Vikash Kumar was returning from Lucknow on his truck, he reached near H.P Petrol Pump situated near Cement Factory and left the truck there and went to Daudnagar towards his house from other vehicle. It is further alleged that at about 07:00-08:00 P.M. when he reached near Dwarka road the present applicant along with two girls seated in Tempo then allegedly due to some dispute, the present applicant with some other 6-7 persons were committed *Mar-Pit* with deceased Vikash Kumar. Thereafter, he returned to his house and subsequently, on 11.03.2024, he reached at the hospital where his statement was recorded. On the basis of the said statement, the case has been registered for the offence punishable under Sections 341, 323, 325, 307 read with section 34 the Indian Penal Code. Subsequently, he died. Therefore, offence under Section 302 of the Indian Penal Code was added. During course of the investigation, the applicant is taken in custody on 14.06.2024 and since then he is in observation home.

4. Learned counsel for the petitioner-applicant submits that the applicant-petitioner is innocent and has falsely



been implicated in this case. There is no direct evidence available on record to implicate him in the alleged crime in question. He further submits that statements of sister and wife of the deceased clearly show that after the incident, he reached his home and on the next date, he again went for his work on truck and thereafter, he reached the hospital and there he made his statement. In his statement, the name of the applicant has not been mentioned. In the statement of the deceased, father of the deceased also signed as a witness. Subsequently, after the death of the deceased, the statement of father of deceased Ram Charan Singh has been recorded wherein first time he discloses that in the hospital, the deceased made the name of the petitioner herein as assailant. Therefore, on the basis of this, the present applicant is taken in custody. According to the counsel, there is no other evidence available against the applicant. He is in custody since 14.06.2024. He has no any criminal antecedent and social investigation report also does not suggest anything against the applicant. Therefore, it is prayed that the present applicant-petitioner may be granted benefit of bail.

5. Learned counsel for the respondent-State opposes the above submissions raised by the learned counsel for the applicant.



6. Heard.

7. Perused the impugned order and records of the Court below.

8. Considering the submissions put forth by the counsel and further considering the evidence available on record and further considering the fact that the petitioner is in observation home since 14.06.2024 and there is no criminal antecedent of the applicant as well as the social investigation report does not suggest anything against the petitioner, I am of the view that the petitioner be granted benefit of bail.

9. Accordingly, the revision petition is allowed. The order dated 19.06.2024 passed by the Juvenile Justice Board, Aurangabad in GR. No. 257 of 2024, JJB No. 1207 of 2024 arising out of Daudnagar P.S. Case No. 96 of 2024 as well as the order dated 08.08.2024 passed by the learned Presiding Officer-cum-1st Additional District and Sessions Judge, Children Court, Aurangabad in Cr. Appeal No. 44 of 2024 are, hereby, set aside.

10. 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, Aurangabad in



connection with J.J.B. No. 1207 of 2024 arising out of Daugnagar P.S. Case No. 96 of 2024, subject to the following conditions:-

- (i) that one of the bailors shall be father of the petitioner.*
- (ii) that the father of the petitioner shall file an affidavit before the concerned learned 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)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.11.2024
Transmission Date	29.11.2024

