

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 657 of 2023

In
CRIMINAL APPEAL (SJ) No 2133 of 2023

Arising Out of PS. Case No.-72 Year-2022 Thana- KOPA District- Saran

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Shahil Kumar Sharama @ Shahil Sharma Son Of Nitai Sharma @ Nitendra Sharma Rpresented Through His Guardian Father Namely Nitai Sharma @ Nitendra Sharma, Resident Of Village- Batwaliya, Ps- Kopa, Distt- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Radha Mohan Singh, Advocate
For the Respondent/s : Mr Zeyaul Hoda, APP

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 19-07-2024

Heard learned counsel appearing for the petitioner and also the learned APP for the State. Perused the documents annexed to the petition. Also gone through the Social Investigation Report.

2 The preset revision petition has been preferred by the petitioner being aggrieved with the judgment and order dated 06.01.2023 passed in Cr Appeal (Juvenile) No 31 of 2022 by learned Additional Sessions Judge I -cum- Children Court, Saran at Chapra along with order dated 12.10.2022 passed by learned Juvenile Justice Board, Saran at Chapra in connection with JJB No



1838 of 2022 arising out of Kopa PS Case No 72 of 2022 registered under Sections 302, 201/34 of Indian Penal Code whereby and whereunder both the learned Courts below have refused to release the revisionist (juvenile), the petitioner on bail.

3 According to the prosecution, the informant informed the police alleging that on 01.05.2022 at about 10 am, her son Aman Sharma had gone out of her home and was in the company of two other boys, namely, Vishal Sharma (co-accused) as well as the present petitioner. She further alleged that her son was last seen with these two boys. Thereafter, on 02.05.2022, she got an information that dead body of a boy is lying in the field which was of her son. Subsequently the dead body of the deceased was recovered and case was registered. During the course of investigation, on 04.05.2022, petitioner was taken in custody.

4 Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner, as alleged. There is no eye witness in this case and the entire case of the prosecution is based upon last seen theory only. According to the counsel, petitioner has been falsely implicated due to village politics. The findings arrived at by both the learned Courts below for rejecting of bail application are not based upon the material available on record. Both the Courts below erroneously arrived at



the conclusion that the release of the petitioner is likely to bring him into association of some criminals or to expose him to moral, physical and psychological danger and the petitioner's release will defeat the ends of justice. Lastly, he submits that similarly situated co-accused/juvenile Vishal Sharma has been granted the benefit of bail by a coordinate Bench of this Court by order 31.07.2023 passed in Criminal Revision No 155 of 2023. Therefore, it is prayed by the counsel that on this ground also, the petitioner is entitled to the benefit of bail.

5 The learned APP, opposing the argument advanced by the counsel for the petitioner, submits that Social Investigation Report clearly suggests that the petitioner does not have good conduct and the same has been revealed by most of his neighbours. The report further shows that the local people feel threat to their life from the petitioner-juvenile. A previous antecedent is also available with the petitioner. He further submits that during pendency of this petition, in the Observation Home, the petitioner and other co-accused persons again committed crime of murder of one Chandra Bhushan Singh, Constable of the Observation Home and for that offence, Bhagwan Bazar Police Station also registered the case under Sections 302, 120B/34 of Indian Penal Code. Thus, it is clear that if the petitioner is released on bail then certainly



again, he will make association with same criminals and also his release would defeat the ends of justice. Therefore, it is prayed that this revision petition may be dismissed.

6 Undisputedly, there is no direct evidence against the petitioner. Entire case of the prosecution is based on circumstantial evidence, i e, last seen together theory. Perusal of both the impugned orders as well as Social Investigation Report clearly show that previous antecedent is available against the petitioner and further during pendency of this petition, he again committed a crime of murder for which FIR has been registered for the offence punishable under Sections 302, 120B/34 of IPC by Bhagwan Bazar Police Station. Social Investigation Report further suggests that the petitioner does not have good conduct and most of his neighbours and local people feel threat to their life from the petitioner and all of them have adversely commented against the petitioner.

7 Looking to the entire facts, as mentioned above, there is a reasonable apprehension that release of petitioner is likely to bring him into association of same criminals and his release would defeat the ends of justice.



8 Thus, I do not any infirmity or illegality in the order passed by both the Courts below. This revision petition is liable to be and is hereby dismissed.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.07.2024
Transmission Date	22.07.2024

