

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.694 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- KHUDWA District- Aurangabad

Chandan Kumar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Adv.

For the Respondent/s : Mr. Sadanand Paswan, Adv.

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

6 04-07-2024

1. Heard both counsels appearing for the parties.

2. This revision application has been preferred by the petitioner being aggrieved with the judgment dated 09.08.2023 passed by the Children Court cum Special Judge (SC/ST) cum 1st Additional District and Sessions Judge Aurangabad in Criminal Appeal No. 32 of 2023 which was preferred against the order dated 25.05.2023 passed by the Juvenile Justice Board, Aurangabad, arising out of Khudwan P.S. Case No. 15 of 2023 where by and where under the Learned Board rejected the bail application of the petitioner and vide impugned order dated 09.08.2023 also, the bail preferred by the petitioner has been rejected by Learned Special Court.

3. According to the case of prosecution on 05.02.2023



when the informant was present at Ravidas temple, co-accused Rajesh Choudhary abused one Ramji Ram by taking caste name. It is alleged that after some time Rajesh Choudhary, along with eight other co-accused persons including the petitioner armed with country made pistol again reached the spot and started firing there due to which mother of the informant died on the spot and six other persons sustained injuries on their body. On the basis of report made by the complainant the offences under Section 147, 148, 149, 341, 323, 326, 307, 302, 504 and 506 of the Indian Penal Code and Section 27 of Arms Act and Section 3(1) (r)/3(2)(Va)3(2)(v) of SC/ST Act has been registered.

4. Learned counsel for the petitioner submits that the petitioner was declared juvenile by the Learned Juvenile Justice Board, Aurangabad and assessed his age about 17 years 1 month and 4 days. It is further submitted that the Learned Board as well as the Learned Special Court rejected the prayer of the petitioner for bail on erroneous grounds. He further submitted that similarly situated other co-accused Shambhu Choudhary alias Shambhu Kumar has already been granted bail by a Co-ordinate Bench of this court vide Order dated 29.08.2023 passed in Criminal Revision no. 510 of 2023. Therefore, it is proved by the counsel that on the ground of parity, this petitioner is also



entitled for grant of bail.

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

6. Having heard both the learned counsels for the parties, perusing the materials available on the record, going through the order passed by a Co-ordinate Bench of this court in case of Shambhu Choudhary supra and also taking note of the observation made by this court in case of **Lalu Kumar @ Lalbabu @ Lallu Vs. State of Bihar**, reported in **2019 (4) PLJR 833** in which learned Coordinate Bench allowed the bail application of similarly situated co-accused Shambhu Choudhary.

7. Therefore, on this ground I am inclined to allow the application preferred by the petitioner. Accordingly, the bail application is allowed and the order dated 09.08.2023 passed by the Children Court cum Special Judge (SC/ST) cum 1st Additional District and Sessions Judge Aurangabad in Criminal Appeal No. 32 of 2023 and Order dated 25.05.2023 passed by Juvenile Justice Board, Aurangabad in J.J.B. No. 833/2023 arising out of Khudwan P.S. Case No. 32 of 2023 is hereby set aside.



9. That the petitioner above named Chandan Kumar be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of Learned Juvenile Justice Board case no. J.J.B. No. 833/2023 arising out of Khudwan P.S. Case No. 32 of 2023 subject to the following conditions:-

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

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