

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.795 of 2024

Arising Out of PS. Case No.-804 Year-2023 Thana- ARA NAWADA District- Bhojpur

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Dharmendra Kumar @ Dharmendra Yadav @ Bakala Yadav, S/O Yogesh Yadav @ Yugesh Yadav @ Jugesh Yadav, R/O Village- Rassi Bagan, P.S- Ara Nawada, Dist.- Bhojpur at Ara, Under the guardianship of his father namely Yogesh Yadav @ Yugesh Yadav @ Jugesh Yadav aged about 37 years, son of Mohan Yadav, R/O Village- Karman Tola, Rassi Bagan, P.S- Ara Nawada, Distt.- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dheeraj Kumar, S/O Shreenath Ram, R/O Jawahar Tola, P.S- Ara Nawada, Distt- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 24-07-2025 The instant revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is filed, challenging legality, validity and propriety of the order passed in Cr. Appeal No. 27 of 2024 by the learned 1st Additional Sessions Judge, Bhojpur at Ara dismissing the said appeal and rejecting the prayer for bail of the CICL.

2. It is ascertained from the statement made by the informant that on 13th of November, 2023, he along with his son Manu Kumar and neighbours Ankit Kumar aged about 8 years, Golu Kumar aged about 12 year went to Rashibagan to see a fare of Gobardhan Puja. When they were enjoying the village



fare, one Rahul Kumar @ Tikari Yadav fired at Ankit Kumar, Golu Kumar and his son Manu Kumar causing serious gun-shot injuries on their person. It is also alleged that one Dharmendra Yadav and associate of Rahul Kumar gave a cartridge to Rahul and he opened fire after loading the said cartridge in his fire arm.

3. It is contended on behalf of the CICL / petitioner that he did not commit any offence. Only allegation against him is that he handed over live cartridge to the main assailant, namely, Rahul Kumar. Therefore, he ought to be released on bail. His prayer for bail was rejected on the ground that he was wanted in another case and his father was wanted in two cases.

4. It is submitted by the learned Advocate for the CICL that the CICL was aged about 17 years, 10 months, and 12 days on the date of commission of the offence. Since he was below 18 years of age, his prayer for bail ought to be looked into on the presumption of innocence and best interest of the child. It is further submitted that the best interest of the child can only be protected at his home. The learned Advocate on behalf of the CICL / petitioner submits that the maternal uncle of the CICL has filed a supplementary affidavit with an undertaking that he would keep the CICL under his custody with



proper care so that he may not get the chance to mix up with the known criminals of the locality.

5. The learned Advocate on behalf of the State has vehemently raised objection against the prayer for bail of the CICL.

6. I have duly considered the materials on record and the CICL is taking advantage of J.J. Act, 2015, only because he was just 1 month and 18 days short of his attainment of majority. There is no reason subscribed by the CICL as to why his associate open fire at little the boys of 8 years and 12 years. Of course, the injured persons are not in the peer group of the CICL who was on the verge of majority.

7. Indisputably, the CICL is wanted in another criminal case and his father is wanted in two criminal cases pending in Ara Police Station. Therefore, there is a criminal history in the family of the CICL. Clause XIII of Section 3 of the J.J. Act, 2015, states that an application for bail of a CICL ought to be disposed of on the principle of repatriation. Repatriation means resettlement in the house of the CICL. When the father of the CICL and the CICL himself have past criminal records, this Court is not in a position to allow the instant revision.



8. For the reasons sated above, the instant revision is
dismissed at this stage.

(Bibek Chaudhuri, J)

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