

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.82 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- GOPALGANJ

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Pramendra Chaudhary @ Parmendra Chaudhary S/o Rameshwar Chaudhary R/o
Vill.- Harkhauli, (Paschim Tola), P.S.- Mirganj, Dist. Gopalganj (Bihar) under
guardianship of his father, namely Rameshwar Chaudhary

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma, Advocate

For the State : None

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 16-08-2016

The petitioner has been made accused in Hathuwa
P.S. Case No. 108 of 2014 dated 17.10.2014 registered against three
unknown miscreants under Section 394 of the Indian Penal Code.

2. The petitioner has been remanded in the present
case from another case in course of investigation of the case. He is
in custody since 24.09.2015. He was declared juvenile in conflict
with law by the Juvenile Justice Board (For short 'J.J. Board'),
Gopalganj. His application for bail was rejected by the J.J. Board
vide order dated 11.12.2015 passed in J.E. No. 126 of 2015 on the
ground that if released on bail, there is likelihood that he may fall

into association with known criminal or expose him to moral, physical or psychological danger. The appeal preferred against the aforesaid order dated 11.12.2015 was also rejected by the District & Sessions Judge, Gopalganj in Cr. Appeal No. 73 of 2015 vide order dated 6th January, 2016.

3. It would be evident from the aforesaid order dated 6th January, 2016 that the appeal has been dismissed on the ground of gravity of the offence and the ground on which the J.J. Board has rejected the application for bail of the petitioner. The aforesaid order dated 6th January, 2015 is under challenge before this Court.

4. It is submitted by the learned counsel for the petitioner that while passing the impugned orders neither the J.J. Board, Gopalganj nor the appellate court has appreciated the application of the petitioner in correct perspective. The language of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (For short 'the Act') makes it clear that the intention of legislature is to grant bail to the juvenile in conflict with law irrespective of the nature or gravity of the offence alleged to have been committed by him and the prayer for bail can be denied only in case where there is reasonable ground for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger



or that his release would defeat the ends of justice. He has submitted that though courts below have rejected the prayer for bail on the ground that release of the petitioner may bring him into association with known criminal, but no reason for coming to such conclusion has been assigned in the order. No social investigation report was ever called for by the court from the Probation Officer and the findings of the court below are based merely on conjectures or surmises.

5. I am constrained to record that though the name of Additional Public Prosecutor is printed in the cause list, despite repeated calls, none has appeared on behalf of the State. The other counsel for the State, who are present in the court, have stated that they have not been given charge to conduct the cases on behalf of the State in this Court.

6. I must note that it is a sorry state of affairs on the part of State, as it has virtually abandoned its case before the Court.

7. Be that as it may, on merits, I find force in the submission of the learned counsel for the petitioner. The preamble of the Act reads as under:-

“An Act to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by catering to

their development needs, and by adopting a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation and for matters connected therewith or incidental thereto.”

8. The language of Section 12 of the Act is couched in such manner that the prayer for bail of a juvenile in conflict with law can be rejected only under three eventualities, i.e., (i) in case the release is likely to bring the juvenile into association with known criminals; or (ii) expose him to moral, physical or psychological danger; or (iii) that his release would defeat the ends of justice.

9. The reasons assigned by the court below and the Board for rejection of bail of the petitioner are without any report of the Probation Officer and there is nothing on the basis of which a finding could have been arrived at that the release would defeat the ends of justice or bring the petitioner in association with known criminals.

10. Consequently, the impugned order dated 06.01.2016 passed in Cr. Appeal No. 73 of 2015 and the order dated 11.12.2015 passed in J.E. No. 126 of 2015 by the J.J. Board, Gopalganj, are, hereby, set aside. It is directed that the petitioner be released on bail on executing bond of Rs. 10,000/- (rupees ten thousand) by the natural guardian of the petitioner with two solvent

sureties of the like amount each to the satisfaction of the J.J. Board,
Gopalganj.

11. The revision application stands allowed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	----
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