

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.593 of 2016

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1. YUGAL YADAV @ JUGAL YADAV son of Sahdeo Yadav, under guardianship of his elder brother namely Anil Yadav resident of Village-Matiya, P.S.- Laxmipur, Distt- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate.
Mr. Prakash Mahto, Advocate

For the Respondent/s : Mr. Smt. Meena Singh

For Informant : Mr. Rajesh Kumar Sinha.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 22-11-2016 Heard the parties.

The petitioner is aggrieved by an order, dated 19.05.2016, passed by the learned Additional District and Sessions Judge –Ist, Jamui in Children Act 01/016, which arises out of Laxmipur P.S. Case No. 23 of 2016, whereby his application for grant of regular bail, has been rejected.

There is no dispute that the petitioner is a child in conflict with law within the meaning of Section 2(13) of Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the ‘Act’). Learned senior counsel, appearing on behalf of the petitioner has submitted that in view of the mandate under Section 12 of the Act, a child in conflict with law, is entitled to be released



on bail unless the ground(s) referred to in *proviso* to Section 12(1) of the Act, exists/exist. He has submitted that though it has been mentioned in the impugned order that the petitioner's release is likely to expose him to moral, physical and psychological danger, no material has been referred in the said order, which is the basis for reaching the said conclusion by learned Court below. He has placed reliance on decision of this Court in case of ***Ajit Paswan & Ors. Vs. State of Bihar*** reported in ***2016 (4) PLJR 326***, in support of his contention..

Learned senior counsel, appearing on behalf of the petitioner appears to be right in his submission, on perusal of the impugned order that learned Court below has not referred to the material on record, which made him to form an opinion that release of the petitioner was likely to expose him to moral, physical or psychological danger. According to him, neither any evidence was taken in this regard nor was any report called for from a Probation Officer under the Act.

Considering the above, this application is allowed. The order, dated 19.05.2016, passed in Children Act 01/016 by the learned Additional District and Sessions Judge –Ist, Jamui, is set aside. The matter is remanded back to learned Court below to consider the petitioner's application for bail afresh after calling for

a report from the Probation Officer, under the Act. Learned Court below may consider other materials on record, if available, for considering the petitioner’s case for grant of bail with particular reference to *proviso* to Section 12(1) of the Act.

Further, this Court expects that the Court below shall expeditiously decide the petitioner’s claim for release on bail, preferably within a period of two months from the date of communication of the present order.

Revision application stands allowed, accordingly.

(Chakradhari Sharan Singh, J)

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