IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.676 of 2017

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Pankaj Singh @ Pankaj Kumar Son of Late Shaligram Singh, Resident of Village- Bishanpur, P.S.Nagar (Begusarai) District Begusarai under the guardian ship of his mother Ramday Devi, Wife of Late Shaligram Singh, Resident of Village Bishanpur, P.S. Nagar (Begusarai), District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Ajit Kumar
For the Respondent/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 17-08-2017 The present criminal revision application is preferred against order dated 25.05.2017, passed by learned District & Sessions Judge, Begusarai in Criminal Appeal No.39 of 2017 affirming the order dated 04.04.2017, passed in J.J.B. Case No.021 of 2017, whereby the prayer of bail of the petitioner was rejected and the order of the Juvenile Justice Board was affirmed.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was found juvenile by the Juvenile Justice Board but his prayer of bail was rejected on the ground that his release may bring him in association with known criminals and his release would put him in physical and moral danger as well as considering the recovery of illicit liquor from his house. It is further submitted that in case of a juvenile, the ground of bail is a

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general rule and rejection is exception. No reasoning is given in the impugned order showing likelihood of petitioner coming in association of known criminals, he has no any criminal antecedent and in fact the liquor was loaded on a truck parked outside his house and some quantity of liquor was recovered from the house of the petitioner but the specific quantity is not mentioned in the seizure list.

It appears that the petitioner is one of the accused in Begusarai Town P.S. Case No.57 of 2017, registered under Section 30(a) of Bihar Excise (Prohibition) Act, 2016. Police recovered a truck loaded with foreign liquor and some cartons of foreign liquor were also recovered from the campus of the house of the petitioner. The petitioner is a juvenile as he was declared so after determination of his age by the Juvenile Justice Board. In view of Section 12 of the Juvenile Justice Act, the ground of bail to a child or juvenile is the rule irrespective of the nature of the offence whether it is bailable or non-bailable. Only on three grounds the bail can be rejected, so rejection is exception but in the impugned order no reason is assigned that how in case of release of the petitioner he would go in association of any known criminal particularly in view of the fact that this petitioner has got no criminal antecedent. There is also no reason assigned that how his release would expose him to psychological or moral danger; so the

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petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Begusarai in connection with J.J.B. case No.021 of 2017, arising out of Begusarai Town P.S. Case No.57 of 2017, subject to the condition that one of the bailors must be the brother-in-law of the petitioner and the brother-in-law of the petitioner will file an affidavit to the effect that he will take care of the petitioner and also ensure that in future the petitioner will not indulge in any criminal activity.

This application stands allowed.

(Arun Kumar, J.)

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