

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.724 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

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Vikash Singh @ Vikash Kumar, aged about 17 years, Son of Manoj Singh, Resident of Village Bajitpur, P.S. Sadar Hajipur, District Vaishali, under the guardianship of his mother namely Reena Devi, aged about 33 years, Wife of Manoj Singh, Resident of Village Bajitpur, P.S. Sadar Hajipur, District Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Petitioner : Mr. Sunil Kumar Pathak, Advocate
For the State : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 30-08-2017

Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor appearing on behalf of the State.

2. The petitioner has preferred this revision application against order dated 12.06.2017, passed in Criminal Appeal No.49 of 2017 by learned Sessions Judge, Hajipur whereby upholding the order dated 20.04.2017, passed by the Juvenile Justice Board, Vaishali at Hajipur has rejected the prayer of bail of the juvenile.

3. The petitioner is one of the accused in Hajipur Sadar P.S. Case No.304 of 2016, registered under Sections 302/34 of the Indian Penal Code. The Juvenile Justice Board, Vaishali at Hajipur after age determination enquiry declared the petitioner a juvenile holding him 17 years of age. Prayer of bail of the petitioner was rejected by the Board on the ground that his release would expose him



to physical, social and psychological danger and the learned Sessions Judge, Hajipur rejected the bail on the ground that petitioner is accused in a heinous offence, i.e., murder of a minor boy.

4. Learned counsel for the petitioner submits that there is land dispute between the informant and the petitioner's side and on account of that the entire family member have falsely been implicated moreover, there is no eye witness to the occurrence. It is alleged that some of them saw the petitioner and other accused fleeing away.

5. Having considered rival submissions and on perusal of record, it is apparent that petitioner was declared juvenile by the Juvenile Justice Board after holding enquiry with regard to determination of his age. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 deals with the provision of bail in context of a juvenile/child. In view of the said provision, grant of bail is a general rule and rejection only exception. The seriousness of offence is no ground for rejection of the bail. In the present case, bail was refused only on the ground that his release would expose him to moral, physical and psychological danger without assigning any reason how petitioner would be exposed to such danger whereas the learned Sessions Judge refused the bail considering gravity of the offence, these ground of rejection of bail is not tenable in view of the aforesaid provision of law. There also appears no criminal antecedent



of the petitioner and he is a student, so petitioner, namely, Vikash Singh @ Vikash Kumar is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No.304 of 2016 with a condition that one of the bailors must be the either of parents of the petitioner, who will file an undertaking to keep son in proper guardianship so the petitioner may not indulge in any criminal activity in future.

6. The criminal revision application stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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