

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.773 of 2017

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Pawan Kumar @ Pawan Tiwari @ Pawan Kumar Tiwari Son of Ram Tiwari, R/o Village- Mesaudha, P.O. and P.S.- Piprahi, District- Sheohar through his father and natural gardian Ram Narayan Tiwari, son of Late Pradip Narayan Tiwary, R/o Village- Mesaudha, P.O. and P.S. Piprahi, District- Sheohar.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Respondent/s : Mr. Nand Kishore Pd, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 31-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has filed this revision application challenging order dated 17.03.2017 passed by the learned Sessions Judge, Sheohar in Cr. Appeal No. 19 of 2016, whereby, he has upheld the order of the Juvenile Justice Board, Sheohar in Trial No. 168 of 2015 rejecting the prayer of bail to the petitioner.

3. The petitioner is one of the accused persons in Piprahi P.S. Case No. 50 of 2015 for the offence registered under Sections 341,323,302/34 of the IPC and Section 27 of the Arms Act.

4. The allegation is that on petty issue family of both



sides quarreled and the petitioner fired at the husband of the informant.

5. Learned counsel for the petitioner submits that the petitioner was found juvenile by the Board after age determination inquiry finding his age only 17 years 06 months on the day of alleged occurrence and he has only one criminal antecedent, a case registered under Sections 323, 324, 341 504 and 379/34 of the IPC.

6. Learned counsel appearing on behalf of the informant submits that there is specific allegation against the petitioner of killing the informant's husband.

7. The provision of bail for a juvenile is enumerated in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

8. According to Section 12 of the Act, grant of bail to a child/juvenile in conflict with law is rule and rejection is exception. The seriousness of offence is no ground for rejecting the prayer of bail unless any one of three conditions mentioned in the proviso of the Section 12 of the Act is found.

7. Learned Sessions Judge has rejected the prayer of bail to the petitioner merely on presumption of his going into association with known criminals and secondly in case of his



release he would be exposed to moral, physical or psychological danger but no reasoning is assigned how the petitioner would be exposed to moral, physical or psychological danger in case of his release on bail. The gravity of the offence is no ground for rejection of bail to a juvenile.

8. So the petitioner 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 learned Principal Magistrate, Juvenile Justice Board, Sheohar in connection with Piprahi P.S. Case No. 50 of 2015 with condition that one of the bailors must be his mother who will file an undertaking to keep the petitioner in proper guardianship and care so that he may not indulge in any further criminal activity.

This petition stands allowed.

(Arun Kumar, J)

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