

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.789 of 2017

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

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Abdul @ Md. Abdullah, Son of Md. Muslim (Minor) Represented through his father who is under guardianship of Md. Muslim son of Late Suleman, Resident of Mohalla Almizan Nagar Naya Tola, P.S. Phulwarisharif, District- Patna- 801505.

.... Petitioner

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Petitioner : Mr. Syed Qaisar Hasan, Advocate

For the State : Mr. Mustaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 17-08-2017

This revision application is preferred against the order dated 29.6.2017 passed by Additional Sessions Judge-1, Patna in Cr. Appeal No.121 of 2017 whereby affirming the order dated 4.5.2017 passed by Juvenile Justice Board rejected the prayer of bail of the petitioner.

2. Learned counsel appearing on behalf of the petitioner submits that the Juvenile Justice Board as well as the appellate court rejected the prayer of bail only on the ground that the allegation against juvenile is serious one hence in case of his release he may go in association with some antisocial elements or criminals.

3. Learned counsel for the State submits that the petitioner is accused in a case under Section 302 of the Indian Penal code.

4. The brief fact of the case is that the petitioner is one of the



accused in Phulwarisharif P.S. Case no.27 of 2017 lodged under Sections 302, 120(B)/34 of I.P.C. The informant has alleged that he received the telephonic information that all accused persons named in the F.I.R. have killed his son by fire arm. It is an admitted position that the petitioner was held Juvenile after inquiry held for determination of his age. The law is well established that in view of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 grant of bail is a rule and rejection is exception only on three conditions : the bail may be denied these conditions are if on release the juvenile may likely to go in association of known criminals or his release may put him in physical psychological or moral danger and lastly if it is not in the interest of justice. In the present case, the appellate court denied the bail considering the seriousness of the case as well as his release may likely to put him in association of known criminal associates but there is no material on record to show any criminal antecedent of serious nature against the petitioner or on release on bail may be likely to go in association of any known criminals, so in absence of such grounds, the petitioner is directed to be released on bail on furnishing bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Patna bearing JJB Case No.81 of 2017 in connection with Phulwarisharif P.S. Case No.27 of 2017.



5. The father of the petitioner must file an undertaking to keep the petitioner in proper custody and guardianship, so he may not indulge in criminal activities.

6. The revision application stands allowed.

(Arun Kumar, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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