

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.959 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- WESTCHAMPARAN(BETTIAH)

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Krishna Sah Son of Brijesh Sah, Resident of Village-Birti Bathwaria Tola Shera,
Police Station-Bathwaria (Chautarwa), District-West Champaran, Under the
Guardian of his father namely Brijesh Sah, S/o Balkhila sah

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Bashishtha Narayan Mishra, Advocate
For the State : Smt. Veena Rani Prasadd, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 17-10-2017

This revision application is directed against judgment dated 02.08.2017, passed by learned Sessions Judge, West Champaran at Bettiah in Cr. Appeal No.25 of 2017, arising out of Chautarwa (Bathuwariya) P.S. Case No.244 of 2016. The learned Sessions Judge dismissing the appeal filed for release of the juvenile in conflict with law upheld the order dated 02.05.2017, passed by Juvenile Justice Board, Bettiah, West Champaran refusing the release of the petitioner on bail. The petitioner is one of the accused in the aforesaid case registered under Sections 302, 201/120(B) of the Indian Penal Code.

2. The allegation in brief is that the informant's 13 years' old minor son went away with accused persons including the petitioners to watch a movie on the projector thereafter did not return back. The petitioner was also apprehended on 03.10.2016 along with



others and the petitioner's age was assessed by the Board as 16 years and 4 months.

3. The Juvenile Justice Board, Bettiah rejected the bail of the petitioner as he is accused in heinous crime so in case of release, he would be exposed to moral, physical and psychological danger, so learned Sessions Judge also refused the bail on the ground that in case of release, the petitioner may likely to go in association of known criminals leading to exposure to moral, physical and psychological danger, ultimately could defeat the ends of justice.

4. Having considered the rival submission and on perusal of record, the Court finds that the petitioner was declared juvenile after age ascertaining enquiry by the Board. There is special law for grant of bail on which the bail of a juvenile in conflict with law is considered. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 deals with the provision of bail in case of a juvenile. The seriousness or gravity of the offence is not a consideration for rejecting the bail in case of a child in conflict with law. Only in three exceptions bail can be refused. There must be some material on record to show that accused is a member of criminal gang or any report submitted by any social investigation report showing the conduct of the family not conducive to keep him in a proper way but there is lack of such material on record in the present case, so the



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 Juvenile Justice Board, Bettiah, West Champaran in connection with J.J.B. Case No.526 of 2017, arising out of Chautarwa (Bathuwariya) P.S. Case No.244 of 2016 with condition that the father of the petitioner will be one of the bailors who will also furnish undertaking to keep the petitioner in proper care and supervision ensuring not to indulge in any further criminal conduct.

5. The criminal revision application stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.10.2017
Transmission Date	18.10.2017

