

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.828 of 2017

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Shubham Thakur @ Shubham Kumar, through his legal guardian shri
Awadh Kishore Thakur (father), Son of Sri Krishna Mohan Thakur,
resident of Village- Bairi Aghu Pandit Tola, P.S.- Muffasil, District-
Begusarai

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Petitioner : Mr. Ravindra Kumar, Advocate
For the State : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 06-10-2017 This criminal revision application is directed against

order dated 15.06.2017, passed by learned District & Sessions
Judge, Begusarai in Criminal Appeal No.54 of 2017 whereby he
has rejected the prayer of bail of the petitioner and affirmed order
dated 18.05.2017 of the Juvenile Justice Board, Begusarai
rejecting the prayer of bail of the petitioner in Begusarai Muffasil
P.S. Case No.485 of 2016 registered under Sections 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner was declared juvenile by the Juvenile Justice Board,
Begusarai after holding an enquiry but the bail has been denied on
the ground that in case of his release there is likelihood of going
into company of bad elements and also release would expose him
to moral, physical or psychological danger. The appellate



court has also affirmed the view of the Juvenile Justice Board but without any basis. Learned counsel for the petitioner further elaborates that the petitioner's name only transpired in the confessional statement of a co-accused, except the exculpatory statement that too of performing as a liner in the said occurrence, there is no material against him, besides this he has got no criminal antecedent.

The petitioner is admittedly found juvenile on the day of the alleged occurrence. The nature of offence is not a consideration for refusal of bail to a juvenile in view of the law in the matter. The bail is considered as per provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, so only on three exceptions mentioned in the proviso of the said section, bail can be denied but in the present case two of the conditions have been cited in both the orders rejecting the prayer of bail but reasonings given therein are unfounded for the reason that the petitioner has got no criminal antecedent and there is no material to show that in case of his release he would be exposed to moral, physical or psychological danger, so the petitioner, named above, is directed to be released on bail, during pendency of this criminal revision application, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned Juvenile Justice Board, Begusarai in connection with J.J.B. Case No.63 of 2017, arising out of Begusarai Muffasil P.S. Case No.485 of 2016 with a condition that father of the petitioner will file undertaking stating therein that he will take proper care of the petitioner so that he may not indulge in any criminal activities in future.

(Arun Kumar, J.)

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