

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.739 of 2017

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Mithu Dubey @ Mithu Kumar Dubey, Son of Suresh Dubey, under the guardianship of his father Suresh Dubey, Resident of Village- Halwara Pandey Tola, P.S.- Sidhwaliya, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Respondent/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 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 26.05.2017 passed by the learned Sessions Judge, Gopalganj in Cr. Appeal No. 20 of 2017, whereby, he has upheld the order of the Juvenile Justice Board, Gopalganj rejecting the prayer of bail to the petitioner.

3. Learned counsel for the petitioner submits that the petitioner was declared juvenile by the court after assessment of his age only 16 years 09 months on the day of alleged occurrence, but the Juvenile Justice Board rejected his prayer for bail, considering the gravity of offence but on that ground bail of a juvenile, in view of Section 12 of Juvenile Justice (Care and



Protection of Children) Act,2015 cannot be rejected.

4. Learned counsel appearing on behalf of the State supports the impugned order/judgment passed by the learned Sessions Judge, Gopalganj. It is submitted that there is specific allegation against the petitioner of killing the informant's mother.

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

6. According to Section 12 of the Act, grant of bail to a child/juvenile in conflict with law is rule but rejection is exception. The seriousness or gravity of offence is no ground for rejecting the prayer of bail unless three conditions mentioned in the proviso of the said Section 12 of the Act is found against the juvenile.

7. Learned Sessions Judge has rejected the prayer of bail to the petitioner on presumption that there is chance of his going into association with known criminals, secondly in case of his release he would be exposed to moral, physical or psychological danger but no reasoning is assigned for realizing to said conclusion. The gravity of the offence is no consideration for rejection of bail to a juvenile/child.

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, Gopalganj in connection with Sidhwaliya P.S. Case No. 66 of 2016 with condition that one of the bailors must be his father 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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