

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.439 of 2017

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Amit Kumar, Son of Ram Singh, Resident of Village-Sihma Baburbanni,
P.S. Matihani, District-Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Respondent/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 11-10-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

This revision application is directed against judgment
and order dated 10.03.2017 passed by the District and Sessions
Judge, Begusarai in Cr. Appeal No. 22 of 2017 whereby he has
rejected the prayer of bail of the petitioner by not interfering in the
rejection order of bail passed by the Juvenile Justice Board in case
No. 937 of 2016 arising out of Matihani P.S.Case No. 118 of
2016.

The prosecution case, in brief, is that four youths,
going on motorcycles, were stopped by the police on suspicion
and from possession of the petitioner one country made loaded
pistol with one live cartridge was recovered as well as two
motorcycles suspected to be stolen one.

Learned counsel for the petitioner submits that this



petitioner has been in Observation Home for last one year, he has had no criminal antecedent till institution of the present case, and only after institution of this case, he has been made accused in two other cases merely on the basis of confessional statement and the Juvenile Justice Board as well as learned Sessions Judge have rejected the prayer of bail on non-existing ground though the petitioner is not a member of any criminal gang.

Learned counsel for the State submits that a loaded country made pistol with one live cartridge has been recovered from the possession of the petitioner and he appears to be involved in the crime.

The Court perused both the orders of the Juvenile Justice Board as well as the Sessions Court on two grounds. Firstly, prayer of bail of the petitioner has been rejected that he may go in association of known criminals and secondly, on release, may be exposed to moral, physical and psychological danger but there is no any reference to social investigation report or report, if any, of the police that he is a member of any criminal gang and two cases were subsequently lodged against the petitioner, after institution of present one. It is again reiterated that gravity of offence is not a ground for rejection of bail to a juvenile in conflict with law in view of Section 12 of the Juvenile Justice



(Care and Protection of Children) Act, 2015.

Therefore, the petitioner, namely, Amit Kumar is hereby directed to be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Sri Raghuvir Prasad, learned Principal Member, J.J.Board, Begusarai in connection with Matihani P.S.Case No. 118 of 2016, G.R. No. 3157 of 2016 corresponding to J.J.B.Case No. 937 of 2016; subject to condition that both the bailors shall be parents of the petitioner and father will file an undertaking to keep the petitioner in his proper care and supervision so that he may not indulge in any crime.

(Arun Kumar, J)

Sujit/-

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