

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.909 of 2017

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Anirudh Kumar, Son of Vijay Yadav, R/o Village- Rajwari, P.S.-
Aurangabad Town, District- Aurangabad. Under guardianship of Vijay
Yadav, son of late Indradeo Yadav, resident of village- Rajwari, P.S.-
Aurangabad Town, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.

For the Respondent/s : Mr. Md. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

3 13-10-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

This revision application is directed against the order
dated 08.08.2017 passed by the 1st Addl. Sessions Judge,
Aurangabad in Cr. Appeal No. 50 of 2017/36 of 2017, whereby he
has upheld the rejection order of bail passed by the Juvenile
Justice Board, Aurangabad in connection with Amba P.S. Case No.
81 of 2017 under Sections 30(a) and 38(a) of the Bihar Prohibition
and Excise Act, 2016.

Learned counsel for the petitioner submits that
admittedly petitioner is a juvenile, 12 years 08 months of age
determined by the Juvenile Justice Board after enquiry and
allegation against him is that two brothers were going on by a
motorcycle and it is alleged that illicit country made liquor in 900



pouches containing 200 ml. each kept in a bag was recovered which comes to total 38 litres in volume. However, elder brother of the petitioner has been granted regular bail by a Bench of this Court but the petitioner's bail was denied on account of that he may likely be go into association with known criminals though he had/has no any criminal background.

Learned counsel for the State supports the impugned order but concedes that petitioner is juvenile.

Having gone through the orders of both the courts below, I find that no sound reasoning has been assigned in coming to the conclusion that in case of release, the petitioner may go in association of known criminals, neither any police report in this regard nor any social investigation report suggesting the same fact. Admittedly, petitioner is a boy less than 13 years of age in conflict with law. There is special provision of law for juvenile in conflict with law. Bail is to be considered under the purview of law in the matter i.e., section 12 of the Juvenile Justice (Care & Protection of Children) Act, 2015. Under the provision of said Section, exceptions to which bail can be rejected merely by mentioning the ground without any reason, the same cannot be done.

So, petitioner namely Anirudh Kumar, is 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 the learned Juvenile Justice Board, Augangabad in connection with G.R. No. 878 of 2017 J.J.B. No. 814 of 2017 arising out of Amba P.S.Case No. 81 of 2017, subject to condition that one of the bailors must be his father and other family members, and father will file an undertaking to the effect that he will keep his son in proper care and supervisor.

(Arun Kumar, J)

Sujit/-

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