

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.602 of 2017

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Santosh Kumar, Son of Shree Bhagwan Singh, Resident of Village-Narga,
Police Station-Karpi in the district of Arwal, Under the Guardianship of his
father namely Shree Bhagwan Singh.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Mr. Sri Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 11-09-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has preferred this revision against
the judgment and order dated 30.03.2017 passed by the learned
Additional Sessions Judge-I, Jehanabad in Cr. Appeal No. 9 of
2017/5 of 2017 whereby he has upheld the rejection order of bail
dated 18.01.2017 passed by the Juvenile Justice Board in Enquiry
No. 165(J) of 2017 arising out of Karpi P.S.Case No. 206 of 2015
registered under Sections 307/302 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that bail
of the petitioner was refused only on the ground that his father has
criminal antecedent and was sent in jail in some cases and in case
of his release, he would be exposed to moral, physical and



psychological danger.

4. Learned counsel for the State submits that petitioner is an accused for the offence under Section 302 of the Indian Penal Code and his father was also once sent to jail.

5. Having considered rival submissions and on perusal of the impugned order, it appears that bail of the petitioner, a juvenile, was rejected on the ground that his father is a man of criminal mentality and once he was sent to jail and also that social investigation report indicates that the petitioner has got association with anti social element. The petitioner was declared juvenile by the Juvenile Justice Board though it does not disclose whether petitioner's father has any criminal antecedent or the reference of any case in which he was sent to jail. The impugned order also does not disclose that whether the petitioner has got any association with known criminals, so how in case of release on bail, he would be exposed to moral, physical or psychological danger.

6. The FIR is lodged against unknown. The petitioner is a juvenile and during investigation, his involvement transpired. However, he is held juvenile below 18 years of age by the Juvenile Justice Board and his father once has gone to custody does not mean that he is having criminal background, so rejection of bail of



the petitioner on this ground is not proper and a juvenile is required to be released on bail, which is a general rule according to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. So the petitioner namely Santosh Kumar 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 learned Juvenile Justice Board, Nawada in connection with Karpi P.S. Case No. 206 of 2015 subject to condition that one of the bailor must be his close family member who will swear an affidavit to keep petitioner in proper care and guardianship so that he maintains good behaviour and does not involve in any criminal activity.

7. Accordingly, this criminal revision stands allowed.

(Arun Kumar, J)

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