

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.830 of 2017

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Manish Kumar, son of Sri Sonelal Sah, resident of village Jadhua Bagtola,
P.S. Hajipur Town, District Vaishali through its natural guardian i.e mother
namely Anju Devi, wife of Sri Sonelal Sah, resident of village Jadhua
Bagtola, P.S. Hajipur Town, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate. Mr. Amit Kumar, Advocate.
For the State	:	Mr. Dilip Kumar, A.P.P.
For the Informant	:	Mrs. Rima Sinha, Advocate. Mrs. Nil Kanak Lata, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 24-08-2017 Heard learned counsel for the petitioner, learned
counsel for the State as well as learned counsel for the informant.

The petitioner has filed this revision application
under Section 101 of the Juvenile Justice (Care and Protection of
Children) Act, 2005, challenging order dated 20.06.2017 passed
by the learned Additional Sessions Judge, 1st Vaishali at Haipur in
Cr. Appeal No. 47 of 2017 whereby he has upheld the rejection
order of bail passed by the Juvenile Justice Board against the
petitioner.

Learned counsel for the petitioner submits that
Juvenile Justice Board declared the age of the petitioner 14 years
01 month and 14 days on conclusion of the age determination



initially, even thereafter the Juvenile Justice Board as well as the appellate court i.e., Additional Sessions Judge- 1st, Vaishali at Hajipur rejected the prayer of bail only considering the seriousness and gravity of the offence, as the allegation against the petitioner is committing offence under Section 376 of the Indian Penal Code. It is submitted that gravity of the offence is no ground for rejection of a bail of juvenile. Even the Social Investigation report submitted in this case does not contain any adverse material.

Contrary to this, learned counsel appearing on behalf of the informant submits that petitioner has committed serious offence of rape against a girl 14 years of age, so he does not deserve bail.

Juvenile Justice (Care and Protection of Children) Act, 2005 contains the provision for consideration of bail to juvenile. To the said provision, Section 12 of the Act, as lays down, is that a child in conflict with law should be released on bail in cases of bailable or non-bailable offences. So gravity of offence is not a consideration for rejection of bail. Only on three grounds which are exception for not granting bail is enumerated in proviso of the said section, if release of a juvenile is likely to bring him in association with any known criminals or his release would expose him to physical or psychological danger and lastly if it would



defeat the ends of justice, only in such circumstances giving specific reason bail can be denied. However, general rule in grant of bail and rejection is exception.

In the instant case, the petitioner is only 14 years of age and the bail was rejected because of seriousness of the alleged offence that cannot be a ground of rejection of bail. So, the petitioner namely Manish 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, Vaishali at Hajipur in connection with G.R. No. 4526 of 2016 (Tr. No. 609 of 2017) arising out of Ganga Bride P.S. Case No. 95 of 2016 with condition that mother of the petitioner will give an undertaking to keep the petitioner in proper care so that he may not indulge in any other criminal activity.

(Arun Kumar, J)

Sujit/-

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