

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.784 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- BEGUSARAI

=====

Rupesh Kumar, son of Manoj Singh, Resident of Village- Chhatuna, P.S.- Naokothi, District- Begusarai through his brother-in-law as a natural guardian namely Amit Kumar Rai, Son of Vijay Kumar Rai, Resident of Village Miyachak, P.S. Town, District Begusarai

.... Petitioner

Versus

The State of Bihar

.... Respondent

=====

Appearance :

For the Petitioner : Mr. Sandip Kumar Gautam, Advocate

For the State : Mr. Tarkeshwar Nath Thakur, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 03-10-2017

Heard learned counsel for the petitioner as well as learned

Additional Public Prosecutor appearing on behalf of the State.

2. The petitioner has filed this criminal revision application against judgment and order dated 17.04.2017, passed by learned District & Sessions Judge, Begusarai in Criminal Appeal No.36 of 2017 whereby he rejected the prayer of bail of the petitioner by upholding the order dated 22.02.2017, passed by learned Juvenile Justice Board, Begusarai. The petitioner is one of FIR named accused of Naokothi P.S. Case No.87 of 2016, dated 13.11.2016 registered under Section 302 of the Indian Penal Code and also under Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that the petitioner and his father are made accused in the FIR and thereafter



rest all family members. The informant is not an eye witness in this case. Merely on the basis of confessional statement, the petitioner has been made accused. However, the petitioner was declared juvenile by the Juvenile Justice Board, Begusarai ascertaining his age 16 years 10 months and 11 days on the day of alleged offence. His bail application was filed under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 but the bail was refused on the ground that in case of his release, he is likely to go in association of known criminals and may expose to moral, physical or psychological danger but without any reasoning or basis. The petitioner has no criminal antecedent. Counsel for the petitioner further submits that all the other accused of this case including the father of the petitioner have been granted bail by this Court vide Cr. Misc. No.18672 of 2017 and the petitioner and the informant are next door neighbours.

4. Having considered the rival submissions and on perusal of the records, the Court finds that the petitioner was declared juvenile by the Juvenile Justice Board, Begusarai after holding enquiry regarding ascertaining his age and found him less than 17 years of age on the alleged day of occurrence. The gravity of offence is not a ground for rejection of bail in case of juvenile under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. There is also no material on record to show that this petitioner has had any



criminal antecedent, so the reasoning given by both courts that in case of his release, the petitioner is likely to go in association of known criminals is unfounded and also there is absence of any reason that how in case of his release, he would be exposed to moral, physical and psychological danger, so the petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Begusarai in connection with Naokothi P.S. Case No.87 of 2016, corresponding to G.R. No.3681 of 2016, JJB No.014/17 with condition that one of the bailors must be close relative of the petitioner who will file an undertaking to keep the petitioner in proper care so that the petitioner may not indulge in any criminal activity.

5. The criminal revision application stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.10.2017
Transmission Date	06.10.2017

