

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.831 of 2017

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Ramesh Baitha, son of Laxman Baitha, resident of village - Baleshra, P.S.
Uchkagaon, District - Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan

For the Respondent/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 01-09-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

This criminal revision is directed against order dated
08.06.2017 passed by the learned Sessions Judge, Gopalganj in
Criminal Appeal No. 36 of 2017 whereby he has upheld the order
of the Juvenile Justice Board dated 12.04.2017 rejecting the prayer
for grant of bail to the petitioner.

Learned counsel for the petitioner submits that in the
enquiry done by the Juvenile Justice Board (hereinafter referred to
as the 'Board'), the petitioner was found 15 years and 11 months
old and there is general and omnibus allegation against the
petitioner that he along with two other accused persons caught
hold the deceased and all indiscriminately assaulted him but no
specific allegation is levelled against the petitioner and he has got
no criminal antecedent.

Contrary to this, learned counsel for the State submits



that his release is not in the interest of justice.

The Court finds that the petitioner was found below 16 years of age by the Board and the Board rejected the prayer for bail merely on the ground of seriousness of the offence, as the petitioner is one of the co-accused in a case registered under Section 302 of the Indian Penal Code. He has also no criminal antecedent. According to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, grant of bail to a child/juvenile in conflict with law is rule and rejection is exception. The seriousness of offence is no ground for rejecting the prayer for bail. So both the orders passed by the Juvenile Justice Board as well as Sessions Judge are set aside and the petitioner 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 Juvenile Justice Board, Gopalganj in connection with Uchakagaon P.S. Case No. 20 of 2008 subject to condition that one of the bailors must be his close family members, who will file an undertaking that he will keep the petitioner in proper guardianship so that he may not indulge in any further criminal activity.

This application stands allowed.

(Arun Kumar, J)

Sujit/-

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