

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.712 of 2017

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Rajesh Kumar Son of Khushi Lal Mahto, Through his mother as guardian
namely Ranju Devi, Resident of Village- Naulakha, P.S.- Naokothi,
District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Respondent/s : Mr. Sri Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 31-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner has filed this revision application
challenging order dated 13.01.2017 passed by the learned Sessions
Judge, Begusarai in Cr. Appeal No. 105 of 2016, whereby, he has
upheld the order of the Juvenile Justice Board, Begusarai rejecting
the prayer of bail to the petitioner.

3. Learned counsel for the petitioner submits that the
petitioner was declared juvenile by the court after assessment of
his age only 16 years 10 months 13 days, on the day of alleged
occurrence. Prior to that, he has got no any criminal antecedent.
The police after lodging this case implicated him in two other
cases under Section 392 of the Cr. P.C., in which, FIR(s) were
lodged against unknown persons. Further submission is that bail



was rejected only on the ground that there is chance of his going into association of criminals.

Learned counsel appearing on behalf of the State supports the impugned order/judgment passed by the learned Sessions Judge, Begusarai.

The provision of bail for a juvenile is enumerated in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

According to Section 12 of the Act, 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 of bail unless conditions provided under the proviso of the said Section 12 of the Act is found.

Learned Sessions Judge has rejected the prayer for bail of the petitioner merely on presumption of his going into association with known criminals and secondly in case of his release he would be exposed to moral, physical or psychological danger, but without any reasoning for the said conclusion. The gravity of the allegation and offence is no ground for rejection of bail to a juvenile.

So the petitioner 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 the Juvenile Justice Board, Begusarai in connection with Naokothi P.S. Case No. 09 of 2016 with condition that one of the bailors must be his father, who will file an undertaking to keep the petitioner in proper guardianship and care so that he may not indulge in any further criminal activity.

This petition stands allowed.

(Arun Kumar, J)

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