

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.558 of 2018

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Mukesh Yadav @ Mukesh Kumar, minor under the guardianship of his father, namely, Sri Naresh Yadav, R/o. Village-Narawat, P.S. Atri, District-Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kiran Sinha, Advocate

For the Respondent/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 30-05-2018

Heard learned counsel for the parties.

Learned counsel for the petitioner is permitted to correct the provisions of law in course of the day.

This criminal revision has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2000, against the refusal of prayer for bail.

The petitioner is accused in connection with Atri P.S. Case No.150 of 2017 registered under Sections 414/420/467/468/34 of the Indian Penal Code.

From the house of the petitioner a stolen motorcycle was allegedly recovered. The petitioner was not apprehended from there. Only on the basis of recovery of stolen motorcycle learned Juvenile Justice Board concluded that the petitioner is associated with criminals.

The order of the learned Lower Appellate Court dated 25.04.2018 passed in Cr. Appeal (Juvenile) No.39 of 2018



reveals that the Probation Officer has reported that the petitioner is a student and belongs to an educated family and he had got no criminal antecedent, in spite of that prayer for bail has been refused on the surmises and conjectures that the petitioner, in the event of release, might go in association with the criminals.

Section 12 of the Juvenile Justice Act empowers refusal of bail only when the Board/Court is satisfied that there is reasonable ground for believing that the release is likely to bring that person into association with any known criminal. In the present case, the name of known criminal has not been disclosed. The reasonable ground means the ground based on material substantiating the same. Therefore, the orders of both the Courts-below suffer from illegality. Accordingly, order dated 18.03.2018, passed in G.R. Case No.4528 of 2017/Tr. No.46 of 2018, arising out of Atri P.S. Case No.150 of 2017, by the learned Juvenile Justice Board, Gaya and order dated 25.04.2018 passed in Cr. Appeal (Juvenile) No.39 of 2018 by the learned Sessions Judge, Gaya, stands set aside.

Let the petitioner, above named, be released at once on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case with condition that any of the parents of the petitioner shall file undertaking that they would properly



look after and produce the petitioner as and when required during enquiry/trial.

With the aforesaid observation, this application stands allowed.

(Birendra Kumar, J)

Mkr./-

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