

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.826 of 2018

Arising Out of PS. Case No.-69 Year-2017 Thana- GAIGHAT District- Muzaffarpur

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Anil Kumar S/o Sri Dinesh Ray, through his natural guardian , Dinesh Ray
Who is his father, R/o Vill.- Asiya, P.S.- Gayghat, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Respondent/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 03-12-2018 This revision application has been directed against the judgment dated 19.6.2018 whereby the Ist Addl. Sessons Judge cum Special Judge, Children Court, Muzaffarpur was pleased to reject the prayer for bail of the petitioner under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in connection with Gayghat P.S.Case No.69 of 2017 corresponding to Trial No.12 of 2017 registered under Section 302/120(B) of the Indian Penal Code.

The prosecution case in short is that on the basis of the written information of the informant, the case has been instituted and it is alleged that his deceased son had went outside upon call of the accused petitioner in the night on 14.4.2017 and when her son did not come, after some time, she started his search and with the help of local people found the



dead boy and she has named the petitioner as well as the other accused persons causing death of the deceased. It further appears that the petitioner was declared juvenile by the learned Juvenile Justice Board after inquiry, vide order dated 18.7.2017 and assessed the age of the petitioner as 17 years, 01 month and 02 days and rejected the prayer for bail of the petitioner and thereafter the case of the petitioner was committed to the Children court on the same day for further trial and in the children court also the petitioner moved for bail which has been rejected vide order dated 18.11.2017 with an observation that if the trial is not concluded within six months, the petitioner may renew his prayer for bail.

In pursuance of the afforestation observation, the petitioner again moved for bail before the learned children court and the learned children court vide order dated 19.6.2018 rejected the prayer for bail on the ground that in this case two witnesses have been examined and three witnesses could not be cross examined and in that case the non-bailable warrant has been issued against him , as such the prayer for bail is not maintainable.

Submission of the learned counsel for the petitioner is that neither the Juvenile Justice Board nor the children court has



considered the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 , which provides that the juvenile is entitled for bail unless his release is danger psychologically, socially and morally or it defeats ends of the justice, however, there is no social report available to the Juvenile Justice Board and the children court and without considering the same only on the ground of gravity of the offence, the prayer for bail of the petitioner was rejected, which is against the spirit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act 2015.

Heard learned counsel for the State.

Having heard both sides and in view of the facts and circumstances as staged above, in absence of any social report adverse to the petitioner rejecting the prayer for bail only on the fact that he is named in the FIR and there is confessional statement, as such this revision application is allowed and let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (TenThousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Children court, Muzaffapur in connection with Gayghat P.S.Case No.69 fo 2017 corresponding to Trial No.12 of 2017.



With the aforesaid observation, this application is
allowed.

(Vinod Kumar Sinha, J)

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