

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.227 of 2019

Arising Out of PS. Case No.-56 Year-2018 Thana- KHAJAULI District- Madhubani

SAURAV KUMAR @ Saurabh Kumar @ Saurabh Kumar Raut Minor Under
the Guardianship of the father Ram Balak Raut Resident of Village -
Banlanser, P.S.- Babu Barahi, District – Madhubani..... Petitioner/s
Versus

The State of Bihar..... Respondent/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate
For the Respondent/s : Mr.Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

- 4 27-05-2019 1. Petitioner has preferred this revision application

under Section 102 of the Juvenile Justice (Care and Protection
of Children) Act, 2015 against the order dated 30.01.2019
passed by learned 1st Addl. Sessions Judge, Madhubani in Cr.
Appeal No. 5 of 2019 by which the order dated 5.01.2019
passed by the learned Juvenile Justice Board, Madhubani in
E.N. No. 805 of 2019, G.R. No. 702 of 2018 (arising out of
Khajauli P.S. Case No. 56 of 2018) has been confirmed and the
prayer of the petitioner for grant of bail has been rejected.
2. Heard the learned counsel for the petitioner and the
learned A.P.P. for the State as well as counsel appearing on
behalf of the informant.
3. While informant was sleeping, three unknown
persons came and asked the informant to give the key of the
motorcycle and also demand money. On halla some people



assembled, one of the co-accused gave a sword blow inflecting injury on his thighs and head.

4. It is submitted by learned counsel for the petitioner submits that allegation against this petitioner is that he was involved in loot. Learned counsel for the petitioner submits that petitioner was not named in the F.I.R and the case was registered against unknown and his name surfaced subsequently during the course of investigation on the confessional statement of co-accused Amarjeet Raut. Petitioner approached for anticipatory bail which was rejected on the ground of minority of the petitioner. Thereafter, petitioner filed application for bail before Juvenile Justice Board, Madhubani for grant of bail and his prayer for bail was rejected by Juvenile Justice Board, Madhubani on 5.01.2019 thereafter petitioner preferred Cr. Appeal No. 5 of 2019 before the learned 1st Addl. Sessions Judge, Madhubani, who rejected the prayer for bail on 30.01.2019. Petitioner filed the present revision application for setting aside the order passed by the Juvenile Justice Board as well as order of learned 1st Addl. Sessions Judge, Madhubani, dated 05.01.2019. Learned counsel for the petitioner would submit that at the relevant time petitioner was juvenile and co-accused Amarjeet Raut on whose confessional statement name



of petitioner was surfaced in the case was granted bail by co-ordinate Bench of this Court in Cr. Misc. 3436 of 2019 vide order dated 25.01.2019. Appellate Court while rejecting the bail has not considered the case of the petitioner within the parameters of the Juvenile Justice Act. It appears from the order passed by the Appellate Court that he only perused the case diary and has relied upon the version of S.D.P.O. who was found case true against this petitioner. Under the Scheme of J.J. Act, he is required to see that the juvenile in conflict with law is treated in a manner not as a criminal person, but as young person in conflict with law but that aspect was totally ignored by the learned appellate Court while exercising power of appeal under Section J.J. Act, unfortunately, the appellate Court while rejecting the appeal has proceeded on the premise that material are available to connect the petitioner in commission of the crime.

5. Learned counsel for the State opposed the prayer of the petitioner.

6. After hearing the learned counsel for the both the parties and on perusal of the materials available on record, I find substance in contention of the learned counsel for the petitioner that the petitioner is not a criminal but a person in conflict with



law, the custody of the petitioner is not in larger interest of the petitioner as well as the society.

7. Considering the facts and circumstances stated above, in my opinion, the impugned order is not fit to be sustained. Hence, the impugned order is set aside. The petitioner abovementioned is directed to be released on bail and handed over to the custody of his natural guardian/ family member on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Madhubani in connection with E.N. No. 805 of 2019, G.R. No. 702 of 2018 (arising out of Khajauli P.S. Case No. 56 of 2018), on the following terms and conditions:-

(i) One of the bailors will be the natural guardian/family member of the petitioner.

(ii) Natural guardian of the petitioner will produce the petitioner in the court as and when required.

(iii) The petitioner will not indulge in similar or in any other offence.

8. In the result, this application is allowed.

(Anil Kumar Upadhyay, J)

T.Kr./-

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