

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.475 of 2019

Arising Out of PS. Case No.-87 Year-2018 Thana- VAISHALI District- Vaishali

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Bittu Kumar, Son of Rambabu Singh, Resident of Village- Bhagwanpur Simara, Police Station- Paru, District- Muzaffarpur through his natural guardian mother namely Baijanti Devi aged about 38 years wife of Rambabu Singh, Resident of Village- Bhagwanpur Simara, Police Station- Paru, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Respondent/s : Mr.Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 28-05-2019 Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 13.03.2019 passed by the 1st Additional Sessions Judge-cum-Special Judge, Hajipur, Vaishali in Cr. Appeal No. 14 of 2019 whereby he has rejected the application for bail and affirmed the order dated 07.01.2019 passed by the Juvenile Justice Board, Vaishali in Vaishali (Welsor O.P.) P.S. Case No. 87 of 2018 (G.R. No.1548 of 2018).

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent. The petitioner is a juvenile and he was not named in the F.I.R, as the case was registered against six unknown persons. The name of the



petitioner surfaced on the confessional statement of co-accused Abhishek Kumar Srivastava. Learned counsel submits that at the time of occurrence, petitioner was aged about 15 years.

Notwithstanding the fact that the petitioner was declared juvenile by the Juvenile Justice Board, the petitioner was denied bail in a case registered against unknown and also in case where the petitioner was not put on T.I.P. From the perusal of the order of the appellate court it appears that the appellate court declined to grant bail not on the consideration of the case within the parameters of the Juvenile Justice Act, but on the point that other accused persons have been refused bail. The approach of the appellate court is not in tune with the Juvenile Justice Act and there is no discussion in the order that release of the petitioner is not in his interest or in the interest of the society. There is no discussion of the Social Investigation Report or the report of the Probation Officer.

Under the aforesaid circumstance, the Court is inclined to allow this application and set aside the order dated 13.03.2019 passed by the 1st Additional Sessions Judge-cum-Special Judge, Hajipur, Vaishali in Cr. Appeal No. 14 of 2019 whereby he has rejected the application for bail and affirmed the order dated 07.01.2019 passed by the Juvenile Justice Board,



Vaishali in Vaishali (Welsor O.P.) P.S. Case No. 87 of 2018
(G.R. No.1548 of 2018).

Accordingly, this application is allowed and the petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of JJuvenile Justice Board, Vaishali in Vaishali (Welsor O.P.) P.S. Case No. 87 of 2018 (G.R. No.1548 of 2018) subject to the condition that the bailors should be the natural guardian/family member of the petitioner.

It shall be the obligation on the natural guardian/family member to ensure appearance of the petitioner on the date fixed in the case. In the event, any complaint is received as to terrorizing the witnesses, the Juvenile Justice Board shall be at liberty to cancel his bail bonds.

(Anil Kumar Upadhyay, J)

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