

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.647 of 2019

Arising Out of PS. Case No.-654 Year-2018 Thana- CHAPRA TOWN District- Saran

ANMOL KUMAR @ ANMOL SINGH Son of Mithilesh Kumar Singh @ Mithlesh Singh, Resident of Village - Katra Newaji Tola, P.S. - Revilganj, District - Saran at Chapra, under the guardianship of his natural father (under the legal and natural guardianship of Mithilesh Kumar Singh @ Mithlesh Singh, the natural father of the petitioner)

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-12-2019

Heard learned counsel for the parties.

The petitioner is an accused in connection with Chapra Town P.S. Case No. 654 of 2018 registered under Section 414 of the Indian Penal Code and Section 25(1-b)(a)/26 of the Arms Act.

According to FIR, carbine was recovered from possession of co-accused Abhishek Kumar along with some stolen ornaments etc. and from possession of petitioner, who was also along with Abhishek, a loaded country made pistol was recovered. Petitioner has stated on oath that he has got no criminal antecedent.

Petitioner was declared a juvenile by the Juvenile Justice Board on 17.01.2019. However, prayer for bail was refused on



14.02.2019 in Cr. (Juvenile) Case No. 20 of 2019 taking aid of the proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 without any material to substantiate that the case is covered by the proviso of that section.

The petitioner challenged the said order in Cr. (Juvenile) Appeal No. 20 of 2019 which was dismissed by the learned Additional Sessions Judge, Saran at Chapra on 23.04.2019.

Submission is that co-accused Abhishek Kumar has already been allowed bail in Cr. Misc. No. 32654 of 2019 on 28.08.2019. Hence, there is no reason to detain a juvenile especially when the Juvenile Justice Act is a beneficial legislation in favour of the juveniles in conflict with law which gives right of bail to a juvenile irrespective of nature and seriousness of the allegation.

Learned counsel for the petitioner submits that there was no material before the courts below to come to the conclusion that in the event of release, the petitioner would go in company with some unsocial element or release of the petitioner would expose him to mental, moral or psychological abuse.

On perusal of the orders of the courts below, I find that both the courts below have failed in error of law and misdirected themselves in refusing the prayer for bail to the petitioner ignoring



the fact that the scheme of the Act is in favour of grant of bail to the juveniles irrespective of nature of the allegation as held by a Division Bench of this Court in **Lalu Kumar @ Lal Babu @ Lallu & Ors. versus The State of Bihar and Ors.** reported in **2019(4) PLJR 833.**

Likewise, the finding of the courts below based on the proviso to the Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, is based on no material. Hence, the same is not sustainable in law. Accordingly, orders of both the courts below are set aside and this application is allowed.

Let the petitioner, above named, be released immediately on execution of bond by one of the parents making declaration that they will keep the petitioner in their proper upkeep and shall fully cooperate with the pending inquiry before the J.J.Board/court.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	18.12.2019
Transmission Date	18.12.2019

