

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.727 of 2019**

**In**  
**CRIMINAL APPEAL (SJ) No.985 of 2019**

Arising Out of PS. Case No.-93 Year-2018 Thana- BARIYARPUR District- Munger

Chhotu Mandal @ Chhotu Kumar Son of Bahadur Mandal Resident of Village - Gandhipur, P.S.- Bariarpur, District- Munger, through his natural Guardian Bahadur Mandal, aged about -39 years, Gender-Male, S/O- Late Sunder Mandal, Resident of Village - Gandhipur, P.S.- Bariarpur, District- Munger

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

**Appearance :**

For the Petitioner/s : Mr.Kumar Kamal Nayan  
For the Respondent/s : Ms.Usha Kumari I

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

10    10-12-2019                      Heard learned Counsel for the petitioner and the learned Counsel for the respondent -State.

The petitioner being a juvenile in conflict with law is an accused in Bariyarpur P.S. Case No. 93 of 2018 (G.R. No. 2110 of 2018) for the offence under Sections 341, 323, 307, 379/34 of the I.P.C., Section 27 of Arms Act and Section 3(1)(r) (s)/3(2) (v/a) of SC/ST Act. On assessment of his juvenility the matter was being considered by the Juvenile Justice Board (for brevity “The Board”). The petitioner made his application for his release on bail. The Board under order dated 10.12.2018 refused to enlarge the petitioner on bail.

The petitioner then move the learned Additional



District and sessions Judge-I, Munger in Cr. Appeal No. 21 of 2018 arising out of Bariyarpur P.S. Case No. 93 of 2018, G.R.No. 2110 of 2018) for being enlarged on bail. The learned Additional District and sessions Judge-I, Munger, has also rejected the prayer for release on bail. The present revision application is preferred in continuance of the petitioner's prayer for being released on bail after setting aside the orders passed by the Board on 10.12.2018 in Board case no. 146 of 2018 and order dated 17.01.2019 passed in Cr. Appeal No. 21 of 2018 by the learned Additional District and sessions Judge-I, Munger.

Petitioner is in custody since 1.10.2018.

The allegation against the petitioner is of inflicting gun shot injury on the victim. The same stands corroborated by injury report. Accordingly, the petitioner was being proceeded against as a juvenile in conflict with law.

The prayer for bail of the petitioner was rejected by the Board on 10.12.2018. The appeal against the same before the Special Judge -cum- 1st Additional District Judge, Munger has also been rejected on 17.1.2019. Accordingly the instant application has been filed.

The report of the Child Probation Officer has been submitted. The same is dated 11.10.2018. Having regard to the



entire issue and after thorough and detailed examination of the background of the petitioner the report has been submitted which opines that the petitioner is entitled for being released in favour of his parents. The opinion of the Child Probation Officer was already in existence when the prayer for bail of the petitioner was rejected by the Board as well as the Court of Special Judge -cum- Additional District Judge Ist, Munger. The two forums however have not taken into consideration the report. As a result the prayer of the petitioner for being released on bail has been rejected and the rejection upheld by the appellate court.

In view of the specific report, there was no occasion for the Court to arrive at a conclusion that there was any chance of the petitioner coming into contact with the criminals or bad company. Moreso, the parents as per the report have been found fit persons in whose favour the release of the petitioner can be directed by the Presiding Officer.

Hence, both the orders are hereby set aside and the petitioner is directed to be released on bail at once on execution of surety bond by either of the parents of the petitioner giving undertaking that they shall keep proper care and upkeep of the petitioner and shall fully cooperate in the enquiry pending



before the Board.

With the aforesaid observation, this application is  
allowed.

**(Madhuresh Prasad, J)**

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