

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.682 of 2019

Arising Out of PS. Case No.-78 Year-2018 Thana- TILAUTHU District- Rohtas

AMARJEET YADAV, Son of Sri Musafir Yadav, Resident of village -
Chandanpura, P.S. - Tilauthu, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate
For the Respondent/s : Mr. Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-12-2019 Heard the parties.

According to FIR, the petitioner and co-accused Vijay
Kumar allegedly ravished to the daughter of the informant.

Submission is that the victim by writing a letter to the
Investigating Officer declined to go for medical test. Further
submission is that for some other dispute, false allegation was
levelled. During investigation, no video was produced to the
I.O. as alleged in the First Information Report. Considering the
aforesaid facts co-accused Vijay Kumar Yadav was allowed bail
by a Coordinate Bench of this Court vide order dated
17.08.2019 passed in Cr. Misc. No. 31483 of 2019.

The petitioner was declared juvenile by the Juvenile
Justice Board. However, prayer for bail to the petitioner was
refused by the Juvenile Justice Board on 06.02.2019 in J.J.B.
Case No. 06 of 2019 arising out of Tilauthu P.S. Case No. 78 of



2018 and the appeal preferred against refusal of bail by the Juvenile Justice Board by order dated 06.02.2019 was also dismissed vide Cr. Appeal (J.B.) No. 15 of 2019 by order dated 11.03.2019 passed by the learned 1st Additional Sessions Judge-cum-Children Court, Rohtas at Sasaram.

Without going into the details of the merit of this application, under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015, against the orders of the Juvenile Justice Board as well as the Appellate Court, in my view, the petitioner deserves bail because having identical allegation adult co-accused Vijay Kumar Yadav has already been allowed bail by a Coordinate Bench of this Court in Cr. Misc. No. 31483 of 2019.

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** has held that consideration of bail under the Juvenile Justice (Care and Protection of Children) Act, 2015 and under the Cr.P.C. stands on different footing under the scheme of the Juvenile Justice Act, 2015. A juvenile is entitled for bail irrespective of the seriousness of the allegation.

Considering the aforesaid fact both the orders of the courts below are hereby set aside and this application is



allowed. Let the petitioner above named be released on furnishing surety bond by one of the parents of the petitioner that they would take proper care on upkeep of the petitioner and shall fully cooperate in the inquiry before the J.J.B./court in connection with Tilauthu P.S. Case No. 78 of 2018 pending in the court of learned Juvenile Justice Board, Rohtas at Sasaram.

(Birendra Kumar, J)

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