

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.696 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- MIRGANJ District- Gopalganj

Sanjeev Kumar Son of Dholak Prasad @ Dholak Kanjar Resident of Village-East Mohalla Mirganj, P.S. Mirganj, District- Gopalganj. Under the guardian ship of his father namely Dholak Prasad @ Dholak Kanjar, son of Mitailal Kanjar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Respondent/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-09-2019 Heard learned counsel for the petitioner and learned APP for the State.

This Criminal Revision has been preferred against the order dated 22.05.2019 passed by the learned Additional Sessions Judge-Ist, Gopalganj in Criminal Appeal No. 43 of 2019, whereby and where under the learned Additional Sessions Judge-Ist, Gopalganj has upheld the order dated 11.04.2019 passed by the Juvenile Justice Board, Gopalganj in J. E. No. 36 of 2019 arising out of Mirganj P.S. case No. 44 of 2019, whereby learned Juvenile Justice Board, Gopalganj has rejected the prayer for bail of the petitioner in connection with Mirganj P.S. case No. 44 of 2019, registered under Sections 376/420 of the Indian Penal Code.



Allegation is that on the false pretext of marriage, the petitioner is said to have established physical relationship. Later on, the petitioner refused to solemnize marriage with the victim/informant.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 25-02-2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is alleged to have established physical relationship with the informant/victim on the pretext of marriage. The informant was taken away at different places by the petitioner and lastly, the petitioner refused to marry with the victim.

The report of the Probation Officer is that mental condition of the petitioner is normal. Due to poverty he did not pursue his study after Class V. In the report, it is also suggested that the benefit of Juvenile Justice Act can be given to the petitioner. Further the report of the Probation Officer does not reveal that there is material to substantiate that the petitioner lacks proper parental care nor there is any conclusive finding by the Probation Officer that in the event of grant of bail the petitioner is likely to go into association of known criminals.

The law requires that reasonable grounds should be



there for believing that in the event of grant of bail the petitioner would go into association of any “known criminal” or exposed to moral, physical and psychological danger or the release of the person would defeat the ends of justice.

Hence, the impugned order suffers from failure to exercise jurisdiction vested in law, is result of error apparent on the face of the record and non-consideration of provisions of law. Accordingly, this Criminal Revision is ***allowed*** and the order dated 22.05.2019 passed by the learned Additional Sessions Judge-Ist, Gopalganj in Criminal Appeal No. 43 of 2019, whereby and where under the learned Additional Sessions Judge-Ist, Gopalganj has upheld the order dated 11.04.2019 passed by the Juvenile Justice Board, Gopalganj in J. E. No. 36 of 2019 arising out of Mirganj P.S. case No. 44 of 2019 are set aside.

Let the petitioner, who has already been declared juvenile by the learned Juvenile Justice Board, be released in favour of either of his parents on execution of surety bond of Rs.5,000/- (Five Thousand) to the satisfaction of learned Juvenile Justice Board, Gopalganj in connection with J. E. No. 36 of 2019 arising out of Mirganj P.S. case No. 44 of 2019, with condition that the petitioner shall be produced as and when



required by the Juvenile Justice Board for co-operation of his inquiry.

(Sudhir Singh, J)

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