

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.905 of 2018

Arising Out of PS. Case No.-28 Year-2016 Thana- BUNIYAD GANJ District- Gaya

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Falak @ Rajat Son of Prem Kumar Resident of Mohalla - Devi Asthan Manpur Mallah Toli, P.S. - Buniyadganj, District - Gaya, Under guardianship of his father Prem Kumar, S/o Khandu Kewat, Resident of Mohalla - Devi Asthan Manpur Mallah Toli, P.S. - Buniyadganj, District - Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s : Smt. Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 23-04-2019 Heard learned counsel for the parties.

This criminal revision, under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015, has been preferred against refusal of grant of bail to the petitioner by the Children's Court, Gaya, in Juvenile Trial No.1 of 2019, arising out of Buniyadganj P.S. Case No.28 of 2016, registered under Sections 302/394/34/396/412 of the Indian Penal Code and Section 27 of the Arms Act.

The FIR is against unknown. The petitioner has stated on oath that he has got no criminal antecedent. The impugned order reveals that the learned Court-below considered the report of the Probation Officer dated 14.03.2018 that there is lack of proper parental care and guidance of the petitioner. In the



circumstance, the Court-below had believed that in the event of release the petitioner is likely to go into the association with criminals and there is chances of exposition of moral, physical and psychological danger.

The report of the Probation Officer does not reveal that any people complained against the petitioner nor there is material to substantiate that the petitioner lacks proper parental care. Only for the reason that parents are labourers, it cannot be concluded that there is lack of parental care. Moreover, the report does not reveal that the Probation Officer was of definite view 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. There is no reference of any known criminal nor there is any other substantial material for the conclusion as recorded by the Court-below.

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. Hence, the impugned order is set aside and this criminal revision is allowed.

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 Children's Court in connection with Juvenile Trial No.1 of 2018, arising out of Buniyadganj P.S. Case No.28 of 2016, with condition that the petitioner shall be produced as and when required by the Juvenile Justice Board for cooperation of his inquiry.

(Birendra Kumar, J)

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