

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.739 of 2019

Arising Out of PS. Case No.-8 Year-2019 Thana- MAHILA P.S. District- Rohtas

AKASH KUMAR Son of Vakil Singh @ Vakil Yadav Under the guardianship of Vakil Singh @ Vakil Yadav who is his father and natural guardian, Resident of Village - Sheoganj, Ward No. 29, P.S.- Dehri, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Respondent/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL ORDER

3 05-12-2019 By means of this revision, the petitioner has questioned the legality of the order dated 08.05.2019 passed by 1st Additional Sessions Judge-cum-Children Court, Rohtas at Sasaram in Cr. Appeal (J.J.B.) No. 26 of 2019/ C.I.S. No. 26 of 2019, whereby and whereunder the appeal, affirming the order dated 15.03.2019, passed by J.J.B. Rohtas at Sasaram in connection with J.J.B. Case No. 30 of 2019 arising out of Mahila P.S. Case No. 8 of 2019 registered under sections 376/511 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act, by which the prayer for bail of the petitioner has been rejected, has been dismissed.

Learned counsel for the petitioner submits that the orders passed by both the Courts below are illegal and arbitrary. Both the Courts below have not considered the provisions of Section 12 of the Juvenile Justice (Care and Protection of



Children) Act, 2015 in its true spirit. It is further submitted that there is nothing in the report of the Child Welfare Police Officer to indicate that after being released on bail there is likelihood of the petitioner coming into association with any known criminal or his release would expose him to moral, physical or psychological danger or his release would defeat the ends of justice. It is settled law that gravity of offence will not be considered while deciding bail application of a juvenile. Further, the petitioner is innocent and has been falsely implicated in the present case. The first information report has been lodged after two days of the alleged occurrence without there being any plausible explanation for the delay.

Having heard the submissions advanced on behalf of the parties and considering the facts and circumstances of the case and the report of the Child Welfare Police Officer as also taking into consideration the welfare of the petitioner with a hope that he may recover himself after being released on bail, this Court feels it expedient in the interest of justice that his prayer for bail be allowed.

In view of the discussions made above, this revision is allowed. Both the impugned orders passed by Juvenile Justice Board as well as Lower Appellate Court are



quashed and the petitioner, above named, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Rohtas at Sasaram in connection with J.J.B. Case No. 30 of 2019 arising out of Mahila P.S. Case No. 8 of 2019 subject to the condition that father of the petitioner will take care of his education and betterment and will not allow him to indulge in any criminal activity and will keep constant check on his activities. Both the sureties are directed to be close relatives of the petitioner.

(Arvind Srivastava, J)

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