

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.864 of 2019

Arising Out of PS. Case No.-1029 Year-2018 Thana- SAHARSA District- Saharsa

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SUNDAR KUMAR @ SUNDAR YADAV S/o Yogendra Yadav @ Yogi Prasad Yadav R/o village- Amavja, P.S.- Gwalpara, District- Madhepura, under guardianship Shambhu Yadav S/o Yogendra Yadav @ Yogi Prasad Yadav, Resident of Same of the Petitioner.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumari Sudha Sinha
For the Respondent/s : Mr.Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 17-12-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 14.05.2019, passed by learned 1st Additional Sessions Judge- cum- Special Judge, Saharsa (Juvenile) in Cr. Appeal No. 03 of 2019, by which, the appeal of the petitioner for grant of bail against the order dated 11.03.2019 passed by the Juvenile Justice Board, Saharsa in J.J. Board Case No.281 of 2019 arising out of Saharsa (Sadar) P.S. Case No. 1029 of 2018, 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, learned counsel for the petitioner has submitted that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. The petitioner age has been ascertained as 17 years 5 months and 22 days. The petitioner has falsely been implicated in this case. Nothing specific is alleged against the petitioner.

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 above, is directed to be released from the Remand Home on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of Juvenile Justice Board, Saharsa, in connection with J.J. Board Case No.281 of 2019 arising out of Saharsa (Sadar) P.S. Case No. 1029 of 2018 subject to the condition that father of the petitioner will file an undertaking that he will take care of the education and betterment of the petitioner 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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