

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 1175 of 2019

Arising Out of PS. Case No.-93 Year-2019 Thana- MATIHANI District- Begusarai

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RAUSHAN KUMAR (Male – 17 years), Son of Lal Babu Singh under the guardianship of father namely Lal Babu Singhn (Male – 46 years), Son of Sri Ram Uday Singh. Resident of Village - Loverchak tola, Ramdiri, P.S.- Matihani, Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Respondent/s : Mr.Mithlesh Kumar Khare

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 11-12-2019 Heard learned counsel for the petitioner and the State.

The petitioner is said to have been apprehended with a bag containing 1200 Grams of Ganja. The recovery is made from the house of other co-accused persons wherein police, acting on secret information, had gone for search and seizure. The petitioner has been declared to be a juvenile aged 16 years, 11 months and 08 days at the time of occurrence. He has been in custody since 15.06.2019.

Prayer was made on behalf of the petitioner for his release before the Juvenile Justice Board, Begusarai. However, the prayer was rejected. Against the same, the petitioner approached the Court of Sessions Judge, Begusarai by filing Cr



Appeal No 91 of 2019. The same has also been rejected under order dated 16.08.2019. Accordingly, the instant application has been filed seeking the petitioner's release on bail.

The fact of the petitioner's juvenility stands established. The requirement of Section 12 of the Child (Care and Protection) Act (for brevity, *the Act*) is quite clear. The order rejecting the petitioner's prayer for release is not based on any valid consideration as per exceptions provided under Section 12 of the Act.

The report of the Child Welfare Officer, which is Annexure 4, on the contrary, presents a very positive profile of the petitioner. There was nothing on record before the Sessions Judge, or before this Court to arrive at a conclusion that the petitioner is likely to get into the company of anti social elements or suffer any moral or physical damage if he is released on bail.

In view of the aforesaid circumstances, the petitioner's prayer for release on bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Begusarai in Matihani Police Station Case No 93 of



2019, GR No 475 of 2019.

The Juvenile Justice Board, while releasing the petitioner, will take an undertaking from his father regarding petitioner's proper guidance and safe keeping.

(Madhuresh Prasad, J)

M.E.H./-

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