

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1521 of 2019

Arising Out of PS. Case No.-195 Year-2019 Thana- BHELDI District- Saran

SHANNY KUMAR @ SANNY KUMAR Son of Harendra Ray @ Harindra Ray Resident of Village - Basantpur, P.S.- Bheldi, District- Saran through his natural guardian / father Harendra Ray @ Harindra Ray aged about 46 years, male Son of Late Lochan Singh, Resident of Village - Basantpur, P.S.- Bheldi, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai
For the Respondent/s : Mr. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 20-12-2019 By means of this revision application, the petitioner has questioned the legality of the order dated 16.11.2019 passed by the learned 1st Additional Sessions Judge-cum-Juvenile Court, Chapra at Saran in Cr. Appeal No. 36 of 2019 arising out of Bheldi P.S. Case No. 195 of 2019 corresponding to J.J. Board Trial No. 1006 of 2019, whereby and whereunder the appeal, affirming the order dated 02.09.2019, passed by the J.J.B., Chapra, Saran registered under sections 376/511 of the Indian Penal Code and sections 8/10/12 of the POCSO Act, by which 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 falsely been implicated in the present case. Petitioner is in custody since 22.07.2019.

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 application is allowed. Both the impugned orders passed by the



Juvenile Justice Board as well as Lower Appellate Court are, hereby, quashed and the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge-I-cum-Special Judge, POCSO, Chapra, Saran in connection with Bheldi P.S. Case No.195 of 2019 corresponding to J.J. Board Trial No. 1006 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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