

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.102 of 2020

Arising Out of PS. Case No.-180 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

Raushan Kumar @ Chhotu Son of Vinay Kumar Singh @ Khobhari Singh
Resident of Village-Korlohiya Mansingh, P.S.-Mahindwara, District-
Sitamarhi-843117.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate
For the Respondent/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 24-06-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The present revision application has been preferred by
the petitioner against the order dated 01.10.2019 passed by 1st
Additional Sessions Judge-cum-Special Judge (Children Court),
Sitamarhi in Cr. Appeal No.56 of 2019/25 of 2019 by which
the appeal of the petitioner for grant of bail against the order
dated 16.08.2019 of Juvenile Justice Board, Sitamarhi in JJB
Case No. 883 of 2019 arising out of Runnisaidpur P.S. Case No.
180 of 2019 has been dismissed.

Allegation has been made that three persons riding on
a motorcycle surrounded the informant and on the point of pistol
looted the parcel with cash of Rs. 3000/- along with his



motorcycle bearing Registration No. BR-30R-4618.

Counsel for the petitioner submits that the petitioner has not been named in the FIR, at the same time, on the date of alleged occurrence, the petitioner was juvenile and no fruitful purpose will be served if the petitioner is allowed to remain in the Remand Home.

Section 12 of Juvenile Justice (Care & Protection of Children) Act, 2015 provides that when any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person, but the provision has been added that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that



led to such a decision.

Counsel for the petitioner submits that from the record it does not appear that if the petitioner is released, he will be exposed to mental, physical and psychological danger or is likely to bring him into association with any known criminal. He further submits that though the petitioner has criminal history, but he is in remand home since 16.05.2019.

Considering the entire facts and circumstances of the case, this revision application is allowed. The order dated 1.10.2019 passed by learned 1st Additional Sessions Judge-cumSpecial Judge (Children Court), Sitamarhi is set aside.

The petitioner, above named, is directed to be released from the Remand Home on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of Juvenile Justice Board, Sitamarhi in connection with JJB Case No. 883 of 2019 arising out of Runnisaidpur P.S. Case No. 180 of 2019 subject to the condition that one of the bailors of the petitioner shall be his father, who at the time of furnishing bail bonds, shall also give an undertaking that he will take good care of the petitioner and in case petitioner does not act as per his advice, he shall report the matter to the office-in-charge of the concerned police



station.

That apart, in view of the antecedent of the petitioner, he would be required to appear before the Superintendent of Police, Sitamarhi within fifteen days of his release with a copy of this order and first weeks of every month thereafter for the next one year. The conduct of the petitioner will be kept under watch in the aforesaid period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned which should be granted by the Senior Superintendent of Police concerned upon his appearance.

(Shivaji Pandey, J)

V.K.Pandey/-

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