

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.38 of 2020

Arising Out of PS. Case No.-247 Year-2019 Thana- HARNAUT District- Nalanda

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YUV RAJ @ SHIVAM KUMAR Son of Pappu Pandey @ Pappu Kumar
Pandey Resident of Village-Amawan, P.S.-Bind, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rudal Singh, Advocate.

For the Respondent/s : Mr.Ram Naresh Ray, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

3 09-07-2020 This matter has been taken up through Video Conferencing.

Heard the parties.

This revision application under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015, is against dismissal of the appeal by order dated 06.12.2019 passed in Juvenile Appeal No. 31 of 2019 whereby the learned Lower Appellate Court refused to interfere with the order of refusal of prayer for bail passed on 20.09.2019 in J.J.B. Case No. 502 of 2019 arising out of Harnaut (Cheri) P.S. Case No. 247 of 2019 registered under Sections 363, 365, 394, 302, 201 and 411 of the Indian Penal Code against unknown.



Petitioner has got no criminal antecedent. The only material relied upon by the learned Juvenile Justice Board against the petitioner is confessional statement of the petitioner before the police while in police custody. Confessional statement of an accused before the police is no evidence as it cannot be proved during trial in view of bar under Sections 24 and 25 of the Evidence Act.

Learned Lower Appellate Court refused to interfere with the impugned order relying upon Social Investigation Report which vaguely stated that the petitioner is not carrying good company. There is no mention of the name and identity of the known criminals in whose association the petitioner is likely to go in the event of release. Hence learned Lower Appellate Court committed error of record in taking aid of proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 for refusing the prayer for bail.

Since both the Courts below have acted against the mandate and requirement of Juvenile Justice Act in the matter of consideration of prayer for bail of a juvenile, hence both the orders are set aside and this application is allowed.

Let the petitioner, above named, be released at once on execution of surety bond by either of the parents of the



petitioner giving undertaking that he/she shall keep proper care
and upkeep of the petitioner and shall fully cooperate in the
investigation/trial before the learned Juvenile Justice Board.

(Birendra Kumar, J)

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