

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.349 of 2019

Arising Out of PS. Case No.-156 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

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Ankit Ram @ Ankit Kumar Ram, Son of Amindra Ram, Under the Guardianship Fufa Amarjeet Ram, Resident of Village - Dauda Bishunpur, Police Station - Kuchaikote, District - Gopalganj (Bihar). Address of Guardian of Fufa Amarjeet Ram, Resident of Mohalla -Kakarkund, P.S.- Gopalganj Town and District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh

For the Respondent/s : Mr.Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date : 22-05-2020

Heard, Mr. Umesh Kumar Singh, learned counsel for the petitioner and Mr. A. M. P. Mehta, learned A.P.P. appearing for the State through Video Conferencing.

The petitioner has preferred this Criminal Revision, under Section 53 of the Juvenile Justice (Care and Protection of Children), Act, 2015, against the Judgment dated 23.01.2019 passed in Criminal Appeal No. 03 of 2019 by the court of learned Sessions Judge, Gopalganj, whereby the learned Sessions Judge, Gopalganj, dismissed the aforesaid appeal preferred by the petitioner against the order dated 22.12.2018 passed by the Juvenile Justice Board, Gopalganj rejecting the prayer of bail of the petitioner, in J.E. No. 103 of 2018 arising out of Kuchaikote



P.S. Case No. 156 of 2018 registered under Sections 366/34 of the Indian Penal Code.

The prosecution case, in brief, is that at about 3 P.M., on 25.05.2018, Ankit Ram (petitioner) along with his brother, Sandeep Rai @ Chandradeep Rai came on motorcycle at the door of the informant, Jaitoon Khatoon, and forcible took her minor daughter boarding on motorcycle for bad purpose. At that time, informant had gone to Gopalganj and when she returned to her house then came to know about the incident.

Learned counsel for the petitioner submits that, in fact, due to love affairs daughter of the informant left her house with co-accused, Chandradeep Rai according to her own sweet will and this petitioner being the brother of co-accused, Chandradeep Rai has falsely been implicated in the present case. The petitioner was produced before the Juvenile Justice Board, Gopalganj, where he was declared juvenile vide order dated 19.12.2018. Thereafter, petitioner prayed for bail before the Juvenile Justice Board, Gopalganj, but his prayer for bail was rejected vide order dated 22.12.2018 and thereafter, petitioner preferred Criminal Appeal No. 03.2019 against the said order, which was also dismissed vide Judgment dated 23.01.2019 by the Sessions Judge, Gopalganj, illegally without considering the provision of Section 12 of the



Juvenile Justice (Care and Protection of Children) act, 2000. Further submission is that petitioner is in custody since 13.07.2018.

From perusal of the impugned order, it appears that the learned Sessions Judge, Gopalganj, dismissed the aforesaid Criminal Appeal preferred by the petitioner taking into consideration the nature of offence and arriving at the conclusion that the release of the petitioner will bring him into association with bad company, which will be serious to him for future purpose.

On bare reading of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000, it appears that a juvenile in conflict with law ordinarily has to be released on bail irrespective of the nature of offence committed by him unless it is shown that there appears reasonable grounds for believing that his release is likely to bring him into association with any known criminals or expose him to moral danger or that his release would defeat the ends of Justice. The impugned Judgment shows that the appeal of the petitioner has been dismissed saying that Principal Magistrate apprehends that if the petitioner is released on bail he will fall into association of known criminals but the same is without any basis. As such, the refusal of the prayer of the



petitioner for bail is unjustified and against the spirit of provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

Under the aforesaid facts and circumstances of the case, this Criminal Revision is allowed and the impugned Judgment dated 23.01.2019 passed in Criminal Appeal No. 03 of 2019 by the learned Sessions Judge, Gopalganj, is set aside. The petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Gopalganj, in connection with J.E. No. 103 of 2018 arising out of Kuchaikote P.S. Case No. 156 of 2018. Out of two sureties, one surety must be the parents of the petitioner, who will also file an affidavit by way of undertaking to the effect that he/she will take care of the petitioner so that he may not indulge in association of unsocial elements.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.05.2020
Transmission Date	23.05.2020

