

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.526 of 2019

Arising Out of PS. Case No.-5 Year-2017 Thana- SAHARGHAT District- Madhubani

SHYAM MAHTO Son of Suresh Mahto Resident of Village-Saharghat, P.S.-
Saharghat, District-Madhubani.Under the Guardianship of his Maternal Grand
Father Lakshman Mahto ,Aged about 70 years, Male, S/O- Nand Mahto,
Resident of Village- Shivnagar, P.S-Benipatti,District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar
For the Respondent/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

7 21-01-2020 By means of this revision, the petitioner has questioned the legality of the order dated 27.02.2019 passed by 1st Additional Sessions Judge, Madhubani in Cr. Appeal No. 7 of 2019 arising out of Saharghat P.S. Case No. 5 of 2017, Enquiry No. 807 of 2019, G.R. No. 8 of 2017, whereby and whereunder the appeal against the order dated 17.01.2019, passed by J.J.B. Madhubani in EN. 807 of 2019 arising out of Mahila P.S. Case No. 8 of 2019 by which the 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.

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 is allowed. Both the impugned orders passed by Juvenile Justice Board as well as Lower Appellate Court are quashed and the petitioner, above named, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to



the satisfaction of Juvenile Justice Board, Madhubani in connection with Saharghat P.S. Case No. 5 of 2017, Enquiry No. 807 of 2019, G.R. No. 8 of 2017 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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