

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1252 of 2019

Arising Out of PS. Case No.-263 Year-2018 Thana- KHAJANCHI HAT District- Purnia

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RITESH AKLAUTA GUPTA @ KALLU KALA @ RAVI CHAUDHARY
Son of Om Prakash Sah Resident of Village-Tatma Toli, Sudin Chouk, P.S.-
K.Hat (Maranga), District-Purnea under the guardianship of Om Prakash Sah,
aged about 47 years (male) Son of Laxmi Prasad Sah Resident of Village-
Tatma Toli, Sudin Chouk, P.S-K.Hat (Maranga), District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Advocate.

For the Respondent/s : Mr.Nawal Kishore Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 26-08-2020 This matter has been taken up through Video

Conferencing.

Heard learned counsel for the parties.

This criminal revision application under Section 102
of the Juvenile Justice (Care and Protection of Children) Act,
2015, is against the order of dismissal of Cr. Appeal No. 22 of
2019 by order dated 16.08.2019 whereby the learned Lower
Appellate Court refused to interfere with the order dated
09.04.2019 passed in G.R. No. 1270 of 2018 arising out of K.
Hat P.S. Case No. 263 of 2018 registered under Sections 341,
307, 504 and 447/34 of the Indian Penal Code and Section 27 of
the Arms Act, whereby the learned Juvenile Justice Board,
Purnea refused to release the petitioner on bail.



Learned counsel for the petitioner submits that the petitioner was declared juvenile by the Juvenile Justice Board and the co-accused who was also declared juvenile by the Juvenile Justice Board and was carrying allegation of commission of fire arm injury was allowed bail by this Court. There is no allegation of commission of fire arm injury against the petitioner.

The impugned order passed by the learned Juvenile Justice Board as well as Lower Appellate Court reveals that without any material to substantiate and on mere conjecture and surmises, the Board as well as Lower Appellate Court have wrongly taken aid of proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act to refuse the prayer for bail. There was no material for conclusion that in the event of release, the petitioner was likely to be exposed to moral, physical and psychological danger. Juvenile Justice Board as well as Lower Appellate Court acted against the mandate of law contained in the Juvenile Justice (Care and Protection of Children) Act which provides for bail to a juvenile irrespective of nature and seriousness of the allegation unless the case is covered by proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act,



substantiated by material on record.

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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