

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1349 of 2019

Arising Out of PS. Case No.-183 Year-2019 Thana- RUNISAIDPUR District- Sitamarhi

PRINCE SINGH @ BAMBAM@ PRINCE KUMAR S/o Sudhir Kumar @
Sudhir Singh Resident of Village- Manpur Jaua, P.S.- Runni Saidpur, District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Navesh Nandan, Advocate.
For the Respondent/s : Mr.Rabindra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 01-07-2020 This matter has been taken up through Video
Conferencing.

Heard the parties.

This criminal revision application has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015, against the refusal of prayer for bail by the Juvenile Justice Board in connection with Runni Saidpur P.S. Case No. 183 of 2019 and affirmation of the said order by the lower appellate court in Cr. Appeal No. 51 of 2019.

In the aforesaid police case, name of the petitioner surfaced in the confessional statement of co-accused before the police while in police custody. Thereafter, house of the petitioner was searched and from possession of the petitioner a loaded pistol was recovered. Petitioner is in custody since



18.05.2019. Later on petitioner was declared juvenile by the learned Juvenile Justice Board. The learned Juvenile Justice Board, Sitamarhi refused the prayer for bail on the ground of nature of allegation and the fact that petitioner is accused in Runni Saidpur P.S. Case No. 180 of 2019. Therefore atmosphere outside is not safe for the petitioner and his release would expose him to moral, physical and psychological danger.

Aforesaid finding is based on no material to substantiate the same. However, lower appellate court refused to interfere with the said order.

Learned counsel for the petitioner submits that bail to a juvenile is a rule under the scheme of the Act and refusal can be permissible only when a clear case wholly covered by the proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is made out based on material on the record. Seriousness of allegation cannot be a ground for refusal of prayer for bail. Moreover, even an adult undertrial who is in jail since last one year, is granted bail in view of the nature of allegation.

Finding substance in the submission aforesaid, especially noticing the fact that there is no material on the record save and except conjecture and surmises of the Courts



below that in the event of release, the petitioner would be exposed to moral, physical and psychological danger, the impugned orders are not sustainable in law. Hence, impugned orders dated 23.09.2019 and 29.07.2019 are set aside and this application stands 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 enquiry/trial before the Juvenile Justice Board.

(Birendra Kumar, J)

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