

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1340 of 2019

Arising Out of PS. Case No.-676 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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SARIB @ SARIF @ SARIK KAMAL @ SARIQUE @ SARIF KHAN @
MD. SARIF @ SARIF KAMAL under the guardianship of his father namely
Zahid Hussain @ Md. Jahid Hussain @ Md. Jahir Hussain Resident of
Village- Miscott Ward No. 07, Police Station - Town, Motihari, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Respondent/s : Mr.Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 21-01-2020 By means of this revision, the petitioner has questioned the legality of the order dated 15.10.2019 passed by 1st Additional Sessions Judge, East Champaran, Motihari in Cr. Appeal No. 44 of 2019, whereby and whereunder the appeal against the order dated 18.07.2019 passed by Juvenile Justice Board, East Champaran at Motihari in Trial No. 1306 of 2018 arising out of Motihari Town P.S. Case No. 676 of 2018 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 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, 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, East Champaran at Motihari in connection with Trial No. 1306 of 2018 arising



out of Motihari Town P.S. Case No. 676 of 2018 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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