

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1471 of 2019

Arising Out of PS. Case No.-78 Year-2018 Thana- SIKTA District- West Champaran

Arman Dewan S/o Atebar Dewan R/o village- Haripur, Purainiya (Nahar Chauk), P.S.- Sikta, District- West Champaran through his Father/natural guardian Atebar Dewan aged about 46, S/o Late Mansharif Dewan, R/o Village- Purainiya (Nahar Chauk), P.S.- Sikta, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 06-01-2020 By means of this revision application, the petitioner has questioned the legality of the judgment dated 27.08.2019 passed by the learned District and Sessions Judge, Bettiah, West Champaran in Cr. Appeal No. 30 of 2019 arising out of Sikta P.S. Case No. 78 of 2018, whereby and whereunder the appeal, affirming the order dated 22.06.2019, passed by the J.J.B., Bettiah in connection with J.J.B. Case No. 543 of 2018 arising out of Sikta P.S. Case No. 78 of 2018 registered under section 376 of the Indian Penal Code, by which prayer for bail of the petitioner has been rejected.

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. Further, the petitioner is innocent and has falsely been implicated in the present case. Petitioner is in custody since 20.07.2018.

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 application is allowed. Both the impugned orders passed by the Juvenile Justice Board as well as Lower Appellate Court are, hereby, quashed and the petitioner, above named, is



directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Bettiah in connection with Sikta P.S. Case No. 78 of 2018 corresponding to J.J. Board Case No. 543 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)

S.Katyayan/-

U		T	
---	--	---	--

