

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1507 of 2019

Arising Out of PS. Case No.-61 Year-2019 Thana- KARJAIN District- Supaul

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DASRATH KUMAR @ DINGRA @ DASRATH KAMAT @ DHINGRA
Son of Late Vilekshan Mandal Resident of Village- Bauraha, Ward No. 14,
P.S.- Karjain, District- Supaul, through his next friend and legal guardian, his
mother namely Jiriya Devi W/o Late Vilekshan Mandal, resident of Village-
Bauraha, Ward No. 14, P.S.- Karjain, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat

For the Respondent/s : Mr.Anil Kumar Singh No. 1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-08-2020 This matter has been taken up through Video
Conferencing.

Heard the parties.

This revision application under Section 102 of the
Juvenile Justice (Care and Protection of Children) Act, 2015, is
against dismissal of the appeal by order dated 08.11.2019 passed
in Cr. Appeal No. 30 of 2019 whereby the learned Lower
Appellate Court refused to interfere with the order of refusal of
prayer for bail passed on 06.09.2019 by the Juvenile Justice
Board, Supaul in Karjain P.S. Case No. 61 of 2019 registered
under Sections 376/511/354(B) of the Indian Penal Code,
Sections 8 and 12 of the POCSO Act and Sections 3(i)(w)(ii) of
the SC/ST Act.

According to F.I.R., the mother of the victim who is



the informant of the case saw that the petitioner was attempting to ravish her daughter, a girl aged about 3 to 4 years.

Learned counsel for the petitioner submits that the petitioner was a juvenile on the date of occurrence. The doctor has not found any sign of sexual assault. Though the petitioner was declared juvenile by the Juvenile Justice Board, however prayer for bail has been refused by the Board as well as Lower Appellant Court on mere surmises and conjectures that in the event of release the petitioner is likely to be exposed to physical and moral danger.

The law is well settled that bail to a juvenile is a rule irrespective of the nature and seriousness of the allegation unless the case is covered under the proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Impugned order does not show that court below had any material to substantiate the application of proviso to Section 12 of the Act. Hence, the impugned order is set aside and this appeal 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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