

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1536 of 2019

Arising Out of PS. Case No.-193 Year-2019 Thana- DELHA District- Gaya

Kaushal Yadav @ Akash Kumar, Son of Rameshwar Yadav @ Rameshwar Singh Resident of Village - Kharkhura, P.S.- Delha, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Advocate

For the Respondent/s : Mr.Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

4 24-06-2020 Heard learned counsel for the petitioner and learned counsel for the State.

The present revision application has been preferred by the petitioner against the order dated 18.11.2019 passed by Special Judge (Children Court), Gaya in Cr. Appeal (Juvenile) No.75/2019 by which the appeal of the petitioner for grant of bail against the order dated 25.09.2019 of Juvenile Justice Board, Gaya in Delha P.S. Case No. 193 of 2019 has been dismissed.

Allegation has been made that the petitioner along with other co-accused persons have fired upon the brother of the informant, namely, Amar Paswan, as a result of which, he died.

Counsel for the petitioner submits that on the date of alleged occurrence, the petitioner was juvenile and no fruitful purpose will be served if the petitioner is allowed to remain in the Remand Home.



Section 12 of Juvenile Justice (Care & Protection of Children) Act, 2015 provides that when any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person, but the provision has been added that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

Counsel for the petitioner submits that from the record it does not appear that if the petitioner is released, he will be exposed to mental, physical and psychological danger or is likely to bring him into association with any known criminal. He further submits that though the petitioner has criminal history, but he is in remand home since 30.08.2019 and he has



secured good marks in Matriculation and Intermediate. He further submits that the co-accused Jahir Yadav has already been granted bail vide order dated 27.05.2020 passed in Cr. Appeal (SJ) No. 35 of 2020.

Considering the entire facts and circumstances of the case, this revision application is allowed. The order dated 18.11.2019 passed by learned Special Judge (Children Court), Gaya is set aside.

The petitioner, above named, is directed to be released from the Remand Home on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of Juvenile Justice Board, Gaya in connection with Delha P.S. Case No. 193 of 2019 subject to the condition that one of the bailors of the petitioner shall be his father, who at the time of furnishing bail bonds, shall also give an undertaking that he will take good care of the petitioner and in case petitioner does not act as per his advice, he shall report the matter to the office-in-charge of the concerned police station.

(Shivaji Pandey, J)

V.K.Pandey/-

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