

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.152 of 2021**

Arising Out of PS. Case No.-465 Year-2018 Thana- NAWADA District- Nawada

XX

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate

For the Respondent/s : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 04-10-2021

Heard learned counsel for the parties.

Though the petitioner has given full description in the application, however in view of section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015, it would not be appropriate to disclose his identity and as such he is being referred to in the cause title as XX.

The instant revision application has been preferred against the order dated 31.5.2019 passed by the learned 1st Additional Sessions Judge & Spl. Judge – cum – Children Court, Nawada, whereby the prayer for bail of the petitioner in connection with Special (Child) Case No. 3/19 (arising out of Nawada P.S. Case no. 465 of 2018) registered under sections 363, 366A, 376(D), 379, 372 and 34 of the Indian Penal Code and sections 4 and 8 of the POCSO Act was rejected.

As per the prosecution case, the minor granddaughter of



the informant left home with Rs. 2000/-. The informant further states that the accused Ravi Kumar Yadav and another accused whose mobile number is stated in the FIR used to give threats.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR. The name of the petitioner transpired in course of investigation. The petitioner was taken into custody and he is in remand home since 16.7.2018. It is further submitted that by order dated 2.4.2019 the petitioner was declared juvenile in conflict with law. The petitioner has no criminal antecedent. With respect to the order of the learned court below it is submitted that the learned trial court has committed an error in going on the seriousness of the allegation which is in the teeth of the judgment of this Court in the case of *Lalu Kumar & ors vs. State of Bihar & ors.* [2019 (4) PLJR 833], in paragraph no. 87 of which it has held that the seriousness of the offence alleged cannot be made a ground for rejecting bail in a case of a child in conflict with law. Further nothing has been brought on record to show that the release of the petitioner would expose him to moral, physical or psychological danger or as to how in the event of grant of bail the ends of justice would be defeated.

The prayer for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the petitioner having been declared juvenile in



conflict with law on the date of occurrence together with the petitioner having remained in custody since 16.7.2018, the instant application is allowed and the order dated 31.5.2019 passed by the learned 1st Additional Sessions Judge & Spl. Judge – cum – Children Court, Nawada, in connection with Special (Child) Case No. 3/19 (arising out of Nawada P.S. Case no. 465 of 2018) is set aside.

The petitioner is directed to be enlarged on bail in connection with Special (Child) Case No. 3/19 (arising out of Nawada P.S. Case no. 465 of 2018) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Nawada.

(Partha Sarthy, J)

Spd/-

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