

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.138 of 2021**

Arising Out of PS. Case No.-11 Year-2020 Thana- BALIYA District- Begusarai

Sonu Kumar @ Sonu Singh, aged about 17 years, son of Shivpuran Singh, resident of Village: Nayagaon, P.S.: Nayagaon, District: Begusarai, under natural guardianship of his mother Mithalesh Devi, wife of Shivpuran Singh, resident of Village: Nayagaon, P.S.: Nayagaon, District: Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Petitioner : Mr.Shree Niwas Singh, Advocate  
For the State : Mr.Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

6      18-05-2021                      The matter has been taken up today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The present revision application has been preferred against the judgment dated 26.11.2020 passed in Cr.Appeal No.59 of 2020 by learned Additional Sessions Judge-I Cum Presiding Officer, Children Court, Begusarai as well as the order dated 20.08.2020 passed in J.J.B.Case No.96 of 2020, arising



out of Ballia P.S. Case No.11 of 2020 by the learned Principal Magistrate, Juvenile Justice Board, Begusarai, whereby and whereunder the learned Additional Sessions Judge-I Cum. P.O. and the learned Principal Magistrate have rejected the bail of the petitioner for the offence punishable under Section 392 of the Indian Penal Code.

The petitioner has been made accused in the instant case, originally lodged against three unknown persons, alleging that they have stopped the motorcycle of the informant and looted him of his mobile phone, Aadhaar Card etc.

The learned counsel for the petitioner submits that on the date of occurrence i.e., 11.01.2020, the petitioner has been found by the Juvenile Justice Board, Begusarai to be a juvenile in conflict with law, aged 16 years, 01 month and 23 days. It is submitted by the petitioner's counsel that the petitioner has now already been in custody since 27.01.2020. Referring to the provisions contained in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as "the Act"), he submits that the petitioner's prayer for release on bail is to be considered in light of the provisions contained in Section 12 of the Act. The said provision mandates grant of bail. Bail can only be refused by way of exception and on existence



of certain conditions contained in the proviso to Section 12(1) of the Act, if there appears reasonable ground for believing that the release is likely to bring the juvenile in conflict with law into association of any known criminal or expose him to moral, physical or psychological danger. The last condition is that if the release would defeat the ends of justice. None of these three circumstances are fulfilled in the instant case.

The petitioner's counsel submits that on the contrary, the social investigation report, taken note of by the Principal Magistrate, Juvenile Justice Board, Begusarai, suggests that the villagers have stated that based on pre-existing dispute with the Officer-in-Charge of Nayagaon Police Station, the petitioner may have falsely been implicated in many cases. He submits that it is under such circumstances that this juvenile has seven more cases against him as detailed in paragraph 3 of the revisions application. The petitioner is already on bail in four, out of other seven cases pending against him.

Learned APP for the State has opposed the prayer for bail, but has not made out any case for rejection of the prayer. None of the conditions justifying rejection of bail under the proviso to Section 12(1) of the Act have been shown to the Court to exist in the instant case.



Having considered all facts and circumstances, let the above named petitioner, a juvenile, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Principal Magistrate, Juvenile Justice Board, Begusarai, in connection with J.J.B.Case No.96 of 2020 arising out of Ballia P.S. Case No.11 of 2020, in favour of his mother, who shall keep him under her guardianship and produce him as and when required and also subject to the condition that one of the bailors of the petitioner shall be her mother, who at the time of filing of the bonds, shall also give an undertaking that she will take proper care of the petitioner and in case the petitioner does not act as per her advice, she shall report the matter to the Officer-in-Charge of the concerned police Station and further during the period of bail, the petitioner will be under the supervision of concerned Probation Officer.

In the result, the revision application is allowed and the impugned judgment dated 26.11.2020 passed in Cr.Appeal No.59 of 2020 by learned Additional Sessions Judge-I Cum Presiding Officer, Children Court, Begusarai as well as the order dated 20.08.2020 passed in J.J.B.Case No.96 of 2020, arising out of Ballia P.S. Case No.11 of 2020, by the learned Principal



Magistrate, Juvenile Justice Board, Begusarai is set aside.

**(Madhuresh Prasad, J)**

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