

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.216 of 2021**

Arising Out of PS. Case No.-60 Year-2019 Thana- BIRAUL District- Darbhanga

Vishal Kumar @ Rohit Kumar aged about 15 years (Male) Son of Suresh Yadav, Resident of Mohalla - Amwa, Police Station - Bodh Gaya, District – Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Respondent/s : Mr.Kumar Veerendra Narayan

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 23-08-2021 Heard learned counsel for the parties through video conferencing.

This criminal revision application has been filed against order dated 16.12.2019 passed in Enquiry Case No. 593 of 2019 by the Juvenile Justice Board, Darbhanga and judgment dated 24.02.2020 passed by learned 1st Additional Sessions Judge, Darbhanga in Cr. Appeal No. 51 of 2019 (arising out of Biraul P.S. Case No. 60 of 2019), by which, the bail application of the petitioner has been rejected.

As per the prosecution case, the informant, who is driver of the vehicle, hired passengers. The vehicle was booked from the referred mobile phone and on the way, some stupefying substance was given to him (informant) in cold



drink and thereafter, the vehicle was taken away by the passengers.

Petitioner is not named in the FIR. Name of the petitioner has come during course of investigation on the basis of confessional statement of co-accused. The petitioner has got clean antecedent and he is in custody since 17.08.2019. It is further submitted that the petitioner has already been declared juvenile by the J.J. Board, Darbhanga on 03.10.2019.

It is further submitted on behalf of petitioner that the bail application of the petitioner in conflict with law has been rejected by the court below taking into consideration the nature and gravity of the offence, which is against the statutory provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as 'J.J.Act') and there is no material on record to suggest that any of the grounds mentioned in Section 12 of the J.J.Act is present and the observation of the court below that the release of the petitioner would bring him into association with any known criminal or expose him to moral, physical or psychological danger or would defeat the ends of justice is without any basis or social investigation report.

At the time of considering the bail matter of a



juvenile, the merit of the case or nature and gravity of allegation have no relevancy and are not grounds to deny bail to a juvenile, rather the learned court below is required to look into the aspects, which are enumerated in Section 12 of the J.J.Act and Social Investigation Report.

Considering the aforesaid facts & circumstances as well as the position of law, as stated above, the order dated 16.12.2019 passed in Enquiry Case No. 593 of 2019 by the Juvenile Justice Board, Darbhanga and judgment dated 24.02.2020 passed by learned 1st Additional Sessions Judge, Darbhanga in Cr. Appeal No. 51 of 2019 (arising out of Biraul P.S. Case No. 60 of 2019) are, hereby, set aside and this criminal revision petition is allowed.

Accordingly, the above-named petitioner 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 learned Juvenile Justice Board, Darbhanga in connection with Enquiry Case No. 593 of 2019 (arising out of Biraul P.S. Case No. 60 of 2019), subject to condition that ***one of the bailor would be father of the petitioner, who would file an affidavit giving an undertaking to the effect that he will take care of good behaviour and child's well-being and will***



not allow him to go in the company of bad elements.

(Prabhat Kumar Singh, J.)

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