

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.271 of 2021**

Arising Out of PS. Case No.-275 Year-2020 Thana- BARAUNI District- Begusarai

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Budhan Singh @ Rishav Raj son of Vinod Singh @ Bindi Resident of village-
Chakbal, ward No 15, Thakurichak, P.S- Barauni, Dist- Begusarai Under the
guardianship of his mother namely Arti Devi, Aged about 45 years, Wife of
Vinod Singh @ Bindi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kr @ Dr. Amrendra Kr
For the Respondent/s : Mr. Kumar Veerendra Narayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 27-08-2021 Heard the parties in virtual Court proceeding.

This is an application under Section 102 of the
Juvenile Justice (Care and Protection of Children) Act, 2015
against refusal of the prayer for bail by the learned Juvenile
Justice Board, Begusarai on 14.10.2020 passed in connection
with Barauni P.S. Case No.275 of 2020 which was affirmed by
the learned Children Court, Begusarai, in Cr. Appeal No.71 of
2020 on 18.12.2020.

According to FIR, the petitioner was member of the
unlawful assembly. Other members of the assembly allegedly
committed fire-arm injury and murder. No overt-act is alleged
against the petitioner.

There is no dispute that the petitioner was declared



juvenile by the Juvenile Justice Board and the order got finality.

The order of the learned Juvenile Justice Board or learned lower Appellate Court does not reveal that the case was covered under proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act. There is no mention of the identity of the known criminals in whose association the juvenile in conflict with law is likely to go. The report of the Social Investigation is also conflicting one as some villagers stated that the petitioner was carrying good character whereas some others stated that he is member of some unsocial element. However, identity of the unsocial element is not disclosed.

Since both the orders i.e. of Juvenile Justice Board and the lower Appellate Court are against the mandate of law they are not sustainable. Accordingly, the impugned orders are set aside and this criminal revision 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 pending enquiry/trial.

(Birendra Kumar, J)

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