

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.277 of 2021**

Arising Out of PS. Case No.-411 Year-2019 Thana- JOKIHAT District- Araria

XX

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Respondent/s : Ms. Rina Sinha, APP

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

2 13-09-2021 Heard learned counsel for the parties through video conferencing.

Though the petitioner has given full description in the application, 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 5.2.2021 passed by the learned 1st Additional Sessions Judge – cum – Children Court, Araria, rejecting the prayer for bail of the petitioner in connection with Jokihat P.S. Case no. 411 of 2019 registered under sections 302, 201 and 120B of the Indian Penal Code.

As per the prosecution case, it is stated by the



informant that as narrated by one of his sons, he saw the eight named accused persons moving in a hurried manner in the area from which, on the next day, the dead body of the informant's other son was recovered.

It is submitted by learned counsel for the petitioner that by order dated 6.11.2020 the petitioner was declared to be a juvenile on the date of occurrence. On merits it is submitted that in the first part of the FIR while the petitioner is not amongst the eight accused persons named, however, in the concluding part of the FIR his name has also been included as a conspirator. There is no eye witness to the occurrence. The petitioner is under detention since 20.8.2020 and has no criminal antecedent. It is submitted that the learned trial court 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 87 thereof has held that 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 submissions made on behalf of the petitioner together with the contents of the report of the Probation Officer concerned (Annexure-2), the instant application is allowed and the order dated 5.2.2021 passed in Special Child Case no. 2 of 2021 by the learned 1st Additional Sessions Judge – cum – Children Court, Araria, as also the order dated 6.11.2020 passed in Special Child Case no. 2 of 2021 by the learned Juvenile Justice Board, Araria, both in so far as the prayer for bail of the petitioner is concerned, are set aside and the instant application is allowed.

The petitioner is directed to be enlarged on bail in connection with Jokihat P.S case no. 411 of 2019 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, Araria.

The revision application stands allowed.

(Partha Sarthy, J)

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