

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.334 of 2021**

Arising Out of PS. Case No.-347 Year-2019 Thana- GAYA MUFASIL District- Gaya

RANJEET YADAY @ RANJEET KUMAR aged about 17 years S/o Surendra Yadav @ Sahendra Yadav Resident of Village- Bhusunda, Balapar, P.S.- Mufassil, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Awadhesh Prasad Sinha, Advocate
For the Respondent/s : Mr.A.G

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

2 05-07-2021 Heard learned counsel for the petitioner and the State.

Instant Cr. Revision application is directed against order dated 1.7.2020, passed by the Juvenile Justice Board, Gaya in Misc. Case No.47 of 2020/ Mufassil Police Station Case No. 347 of 2019, POCSO 77/2019 by which bail application of the petitioner has been rejected. petitioner has also challenged judgment dated 24.9.2020, passed by the Court of Special Judge Children Court, Gaya in Cr.Appeal (Juvenile) No. 47 of 2020/CIS, by which petitioner's appeal for bail has been rejected.

It is alleged that the petitioner along with other co-accused took away the informant to a room and committed rape with her. Earlier his prayer for bail was refused by this Court



vide order dated 28.2.2020.

It is submitted by learned counsel for the petitioner that the petitioner has been declared juvenile by the Juvenile Justice Board, Gaya on 18.6.2020. Petitioner is in custody since 26.7.2019.

Learned counsel for the State opposes the prayer for bail.

It appears that the court below has rejected the petitioner's prayer for bail on the ground that if the petitioner is released, there is possibility of petitioner falling in the association of criminals and he may be involved in other offences. However, in the Social Investigation Report, petitioner has been reported to be of good character. It has further been reported that the victim was in love affair with another accused of this case and this case has been instituted because of his previous dispute with the informant.

From perusal of provisions of sections 12 of the Juvenile Justice (Care and Protection of Children) Act, it is evident that the Juvenile Justice Board as well as the Appellate Court are required to look into aspects which may be relevant with reference to three grounds, namely, likelihood of association with criminals, likelihood of moral, physical or



psychological danger and likelihood to defeat ends of justice, rather than searching into merits of the case or nature and gravity of appellations.

Considering the rival submissions of the parties as also the social involvement report and the position of law as stated above, order dated 1.7.2020, passed by the JJB, Gaya and order dated 24.9.2020, passed by the court of Special Judge (Children Court) Gaya in Cr. Appeal (Juvenile) No.47 of 2020, are set aside. Accordingly, the petitioner as mentioned above, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of JJB, Gaya in Mufassil Police Station Case No. 347 of 2019 in POCSO 77 of 2019.

(Prabhat Kumar Singh, J)

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