

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.335 of 2021

Arising Out of PS. Case No.-135 Year-2018 Thana- LAUKAHI District- Madhubani

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XX

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ratanakar Jha, Advocate
For the Respondent/s	:	Mr. Narendra Kumar Singh, APP
For the Informant	:	Mr. Apurva Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-08-2021 Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the informant 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.

This revision application has been preferred against
the order dated 11.1.2021 passed by the learned Additional
District and Sessions Judge 1st, Madhubani, whereby the prayer
for bail of the petitioner in connection with Laukahi P.S. Case
no. 135 of 2018 registered under section 302 of the Indian Penal



Code and section 27 of the Arms Act was rejected.

As per the prosecution case, the petitioner herein took the son of the informant for a walk. Soon after their departure, the informant heard about her son being shot. On being taken to the hospital, he was declared dead.

It is submitted by learned counsel for the petitioner that by order dated 1.7.2020 the petitioner was declared to be a juvenile in conflict with law. On merit it is submitted that the petitioner has been falsely implicated in the case. There is no eye witness to the occurrence. He has remained in juvenile home since 11.7.2018 i.e. for more than 3 years.

The prayer for bail of the petitioner is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner is the sole/main assailant of the deceased.

Having heard learned counsel for the parties and on going through the order of the learned Additional District and Sessions Judge rejecting the prayer for bail of the petitioner it transpires that the main point which was taken into consideration by the learned Court below was gravity of the offence said to have been committed by the petitioner. This Court in the case of **Lalu Kumar vs. The State of Bihar [2019**



(4) PLJR 833 (DB)], 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.

For the aforesaid reasons the order dated 11.1.2021 passed in Laukahi P.S.Case no. 135 of 2018 by the learned Additional District & Sessions Judge 1st, Madhubani is set aside.

The petitioner is directed to be released on bail 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, Madhubani in connection with Laukahi P.S.Case no. 135 of 2018.

The revision application stands allowed.

(Partha Sarthy, J)

Spd/-

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