

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.352 of 2021**

Arising Out of PS. Case No.-77 Year-2020 Thana- LAHERIMUHALLA District- Nalanda

XX

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Adv.

For the Respondent/s : Mr. Md.Anbzarul Haque Sahara, APP

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

3 03-08-2021 Heard learned counsel for the parties through video conferencing.

Though the petitioner has given full description in the application, it would be inappropriate to disclose his identity in view of section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Thus, he is being referred to in the cause title as XX.

The registry while uploading the order on website shall also ensure that the cause title be reflected in a similar manner.

This application has been preferred under the Juvenile Justice (Care & Protection of Children) Act, 2015 against the order dated 22.2.2021 passed in Juvenile Appeal



no. 3 of 2021 by the learned 1st Additional Sessions Judge, Biharsharif, Nalanda whereby affirming the order dated 4.1.2021 of the Juvenile Justice Board, the learned Court was pleased to reject the prayer for bail of the petitioner in connection with Laheri P.S. Case no.77 of 2020 registered under sections 302, 324, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegations in the FIR, the informant received information about unknown accused persons having shot his son resulting in his death. He raised suspicion against his elder brother and his nephews.

It is submitted that by order dated 5.12.2020 the petitioner was declared to be a juvenile in conflict with law.

On merits it is submitted that the petitioner is not named in the F.I.R. His name transpired in course of investigation on the statement of coaccused Rajnish. Even in the said statement, only a suspicion is raised against the juvenile petitioner. By order dated 4.1.2021 the prayer for bail of the petitioner was rejected by the Juvenile Justice Board and the said rejection was confirmed by the learned 1st Additional Sessions Judge, Biharsharif, Nalanda. The petitioner is in



remand home since 18.6.2020.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the materials on record, it transpires that the cause of rejection of the bail application of the petitioner by the learned Court below is the serious nature of the act alleged against the petitioner. Taking into consideration the judgment of this Court in the case of *Lalu Kumar versus State of Bihar [2019(4)PLJR 833]* wherein it has categorically been held that seriousness of the offence alleged cannot be held to be a ground for rejecting the bail in case of a child in conflict with law together with the fact that no material has come on record on the basis of which it can be concluded that the release will expose the petitioner to moral, physical or psychological danger, the Court is inclined to allow the instant application.

The appeal is allowed and the order dated 22.2.2021 passed by the learned 1st Additional Sessions Judge, Biharsharif, Nalanda and the order dated 4.1.2021 passed by the Juvenile Justice Board, Nalanda are both hereby set aside.

The petitioner is directed to be enlarged on bail in connection with Laheri P.S. Case No.77 of 2020 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, Nalanda.

(Partha Sarthy, J)

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