

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.321 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- SHAMBHUGANJ District- Banka

Raja Kumar @ Raja Kumar Chouhan Son of Malhori Mandal @ Manohar Chouhan Under guardianship of his father above named, Resident of Village - Mirjapur, Police Station - Shambhuganj, District - Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Respondent/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 15-09-2021 Heard the parties in virtual Court proceeding.

Let the defects, if any, be removed within four weeks of the start of the physical Court.

This criminal revision application has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015, against the order dated 08.03.2021 passed in G.R. No.274 of 2020, arising out of Shambhuganj P.S. Case No.21 of 2020, whereby the learned Additional Sessions Judge-I-cum-Children Court, Banka has refused the prayer, for regular bail, of the petitioner.

The petitioner and others are suspected to be murderer of the husband of the informant vide Shambhuganj P.S. Case



No.21 of 2020.

Mr. Ajay Mukherjee, learned counsel for the petitioner, informs that other accused persons, who are adult, have already been allowed anticipatory bail in that case. The petitioner was declared juvenile by the Juvenile Justice Board vide order at Annexure-2. However, prayer for bail was refused vide order dated 08.03.2021 passed by the learned Children Court, Banka, on the merit of the case ignoring the mandate of Section 12 of the Juvenile Justice (Care and Protection of Children), Act, 2015, which provides for bail to the juvenile irrespective of the nature and seriousness of the allegation unless the case is covered by proviso to Section 12 of the Act. The impugned order does not show that the proviso to the aforesaid section was applicable nor there is any material to substantiate applicability of the proviso.

After hearing the parties, I find substance in the submission of learned counsel for the petitioner.

Hence, the impugned order is not sustainable in law as it is not in consonance with the mandate of Section 12 of the Juvenile Justice (Care and Protection of Children) Act. Accordingly, the impugned order is 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 enquiry/trial before the Juvenile Justice Board.

(Birendra Kumar, J)

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