

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.393 of 2021

Arising Out of PS. Case No.-404 Year-2020 Thana- RAJAOLI District- Nawada

Ranjan Kumar, aged about 16 years, male, Minor Under the Guardianship of his Father Namely Mithlesh Kumar S/o Rajeshwar Prasad, Resident of Village - Nawabganj, P.S.- Sirdala, Distt.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Adv.

For the Respondent/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 07-09-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Heard learned counsel for the revisionist-petitioner and learned Additional Public Prosecutor (hereinafter referred to as the 'APP) for the State.

This Criminal Revision, under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for brevity the "Juvenile Justice Act"), is against refusal of the prayer for bail by the Juvenile Justice Board, Nawada, on 05.02.2021 in connection with GR No. 3065 of 2020/ J.I. N. No. 683 of 2021, passed in connection with Rajauli P.S. Case No 404 of 2020



registered under Section 392 of the Indian Penal Code, which, subsequently, was converted under Sections 395 and 412 of the Indian Penal Code and thereafter confirmation of the said order by the learned Appellate Court in Cr. Appeal (Juvenile) Case No. 02 of 2021 by judgment order dated 19.03.2021.

The revisionist-petitioner is accused in connection with Rajauli P.S. Case No 404 of 2020, with an allegation that three unknown persons have allegedly looted the informant while he was going to make a deposit of Rs. 8,68,255/- in the Bank. Revisionist's-petitioner's name has surfaced during investigation on the statement of co-accused from whom some recovery has also been made.

It is submitted by the revisionist's-petitioner's counsel that revisionist's- petitioner's implication is on extraneous consideration. He was declared juvenile by order of the Juvenile Justice Board, Nawada dated 19.01.2021, whereby he was found to be 16 years 1 month and 13 days of age on the alleged date of occurrence. There is no recovery of any incriminating material from possession of petitioner and after his implication in the instant case, he voluntarily surrendered in the Court and is in custody since 15.12.2020.

Earlier, Social Investigation Report was requisitioned by



this Court. The same has been received and placed at Flag- B.

From perusal of the Social Investigation Report, it appears that the Probationary Officer has taken note of the entire circumstances and the view point of the various persons who are knowing the instant revisionist-petitioner. The Report suggests that there is sufficient guidance at the revisionist's-petitioner's home where there is a big family. The father also has expressed his willingness to ensure that revisionist-petitioner does not come into contact with any antisocial elements and that homely environment is made available to him.

Learned APP representing the State has opposed the prayer for bail.

Having regard to the aforesaid circumstances and taking into consideration the Social Investigation Report and the fact that revisionist-petitioner, being a juvenile, is in custody since 15.12.2020, there is no material to conclude that the case is covered under the proviso to Section 12 of the Juvenile Justice Act. Revisionist-petitioner, therefore, deserves bail. Accordingly, revisionist-petitioner is directed to be released, at once, if not required in any other case, on execution of surety bond by either of the parents with undertaking that he/she shall keep proper care upkeep of the revisionist-petitioner and shall



fully cooperate with the inquiry pending before the Juvenile
Justice Board, Nawada.

Accordingly, the impugned orders are set aside and this
Criminal Revision is allowed.

(Madhuresh Prasad, J)

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