

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.343 of 2021

Arising Out of PS. Case No.-420 Year-2020 Thana- AMARPUR District- Banka

XX

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the Respondent/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 04-10-2021 Heard learned counsel for the parties.

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

Registry while uploading the order on the website shall also ensure that the cause title is reflected in a similar manner.

The instant revision application is filed against the order dated 22.01.2021 whereby the prayer for bail of the petitioner in a case registered under sections 302, 307 and other sections of the Indian Penal Code was rejected.



As per allegations in the F.I.R., the fourteen named accused persons including the petitioner herein are stated to have assaulted the father of the informant with lathi, danda etc. Thereafter it is stated that petitioner assaulted with an axe. On being taken to the hospital, the father of the informant was declared dead.

It is submitted by learned counsel for the petitioner that on merits, the allegation is not supported from the post-mortem report. Only one injury has been found on the occipital region and the cause of death is stated to be haemorrhage and shock due to the injuries caused by hard and blunt substance. It is further submitted that by order dated 2.11.2020, the petitioner was declared to be a juvenile. With respect to the order of the learned court below it is submitted that the learned trial court has committed an error in going on the seriousness of the allegation which is in the teeth of the judgment of this Court in the case of *Lalu Kumar & ors. vs. State of Bihar & ors.* [2019 (4) PLJR 833], in paragraph no.87 of which it has held that the 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. The petitioner is under detention since 20.7.2020.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and on going through the materials on record together with the petitioner having been declared as juvenile, the contents of the report of the Probation Officer concerned as also the contents of the post-mortem report, the Court is inclined to allow the instant application. The application is allowed and the order dated 22.01.2021, impugned herein, is set aside.

The petitioner is directed to be enlarged on bail in connection with G.R. no.2060 of 2020(arising out of Amarpur P.S case no.420 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 learned Addl. Sessions Judge I-cum-Children Court, Banka.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

