

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.444 of 2021**

Arising Out of PS. Case No.-287 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

Ritik Roushan aged about 17 years male, minor son of Sheo Kumar Prasad @ Shiv Kumar through Under Guardianship of his Father Sheo Kumar Prasad @ Sheo Kumar R/O Village Sarayia, P.S-Krishnagarh, District- Bhojpur (Arrah).

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Respondent/s : Mr. Binod Kumar -3 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, Ara, Bhojpur on 06.01.2021 in connection with J.J.B. Case No. 871 of 2020, arising out of Ara (Mufassil) P.S. Case No 287 of 2020 which was registered



under Section 147,148,149, 341, 342, 307, 323, 324, 302, 120B, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3(i)(r)(s)/3(2) (va) of the SC/ST Act and thereafter confirmation to the said order by the learned Appellate Court in Cr. Appeal No. 11 of 2021 by judgment order dated 16.03.2021.

The informant has alleged that his son along with his friends had gone to attend a birthday party where a brawl took place. As a result of the same, on the way back his son has succumbed to the firearm injuries attributed against 8 to 9 named persons, including the revisionist-petitioner.

It is submitted by the revisionist's -petitioner's counsel that the informant realizing his mistake has subsequently submitted in writing that on suspicion and due to mistake the instant revisionist-petitioner was named in the First Information Report. Be that as it may, the revisionist-petitioner was declared a juvenile by order of the Juvenile Justice Board, Bhojpur, Ara, on 23.12.2020, whereby he was found to be 16 years 05 months at the time of the alleged occurrence. The other co-accused, Jitan Kumar has been granted bail in Cr. Appeal (SJ) No. 1445 of 2021 vide order dated 09.04.2021. In this background, the Social Investigation Report had been



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

From perusal of the Social Investigation Report, it appears that there is nothing in the Social Investigation Report to suggest that in case of release, the revisionist- petitioner is likely to come into contact with any known antisocial criminal elements or vulnerable to any physical, psychological or moral danger. In absence of any such fact, the mandate of Section 12 of the Act is to release the juvenile on bail.

Learned APP representing the State has opposed the prayer for bail. The legal statutory provisions regarding bail under section 12 of the Act, however, are not disputed though he submits that in the FIR, revisionist- petitioner is one of the alleged persons who has fired upon the deceased. The revisionist- petitioner has been in custody since 11.09.2020.

Considering the rival submissions, the legal position emanating from the statutory provisions and the social investigation Report, this Court is inclined to allow the revisionist's-petitioner's prayer for 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.

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

(Madhuresh Prasad, J)

shyambihari/-

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

