

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.431 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- RISIYAP District- Aurangabad

XX

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Advocate Mr. Bhaskar Shankar, Advocate
For the Respondent/s	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-10-2021 Heard learned senior counsel for the petitioner,

learned counsel for the State and learned counsel for the

informant who has appeared suo motu.

Though the petitioner has given full description in the application, in view of section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015, it would not be appropriate to disclose his identity and as such he is being referred to in the cause title as XX.

The instant application has been preferred against the order dated 9.4.2021 passed by the learned Additional Sessions Judge I-cum-Special Judge, Children Court, Aurangabad whereby the prayer for bail of the juvenile petitioner in a case registered under sections 364 and 120B of the Indian Penal



Code was rejected.

As per the prosecution case, while the brother of the informant was returning along with other persons in a car, it is stated that the driver of the vehicle namely Lovkush Kumar Singh stopped the car and the five named accused persons including the petitioner herein who were there, kidnapped the informant's brother on the point of pistol. The informant raises suspicion against the seven accused persons including the petitioner that they have kidnapped his brother with the intention to kill.

It is submitted by learned senior counsel appearing for the petitioner that the allegations as levelled in the FIR are false and concocted and the petitioner has been falsely implicated in the case. By order dated 22.2.2021 the petitioner was declared to be a juvenile in conflict of law on the date of occurrence. It is submitted that the learned trial Court 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 in remand home since 29.1.2021 and charge sheet has been submitted in the case.

Prayer for bail is opposed by learned counsel for the State and learned counsel appearing for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the FIR but there is a specific allegation against him of having participated in the crime.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, order declaring the petitioner to be a juvenile together with the petitioner having remained in custody since 29.1.2021, the instant application is allowed and the order dated 9.4.2021 passed by the learned Addl. Sessions Judge 1st-cum-Special Judge, Children Court, Aurangabad in Cr. Appeal no. 10/21/9/21 as also the order dated 25.2.2021 passed by the Principal Magistrate, J.J.B, Court Aurangabad in J.J.B. no. 664 of 2020 (arising out of Risiup P.S. Case no. 72 of 2020) both in so far as the prayer for bail of the petitioner is concerned, are set aside and the instant application is allowed.



The Court directs the petitioner to be enlarged on bail in connection with J.J.B no. 664 of 2020 (arising out of Risiup P.S. Case no. 72/2020) 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 Principal Magistrate, J.J.B. Court, Aurangabad.

(Partha Sarthy, J)

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