

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.439 of 2021**

Arising Out of PS. Case No.-462 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Bipin Kumar @ Bipin Mahton @ Bipin Kumar Mahto (M) aged about 16 years, S/o Ashok Mahton @ Ashok Nisad R/o village- Simariya Ghat, Bind Toli, P.S.- Barauni, District- Begusarai, under guardianship of his Father namely, Ashok Mahton @ Ashok Nisad (M) age 65 years, S/o Kaleshwar Nisad, R/o village- Simariya Ghat, Bind Toli, P.S.- Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Randhir Kumar No.1, Adv.
For the Respondent/s	:	Mr. Sunil Kumar Pandey, APP

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**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 Principal Magistrate, Juvenile Justice Board, Begusarai, on 03.02.2021 in connection with J.J.B. Case No. 06



of 2021, Begusarai Muffasil P.S. Case No 462 of 2020 which was registered under Section 392 of the Indian Penal Code and thereafter confirmation to the said order by the learned Appellate Court in Cr. Appeal No. 13 of 2021 by judgment order dated 17.03.2021.

The revisionist-petitioner is an accused in connection with Begusarai Muffasil P.S. Case No 462 of 2020, with an allegation that four unknown miscreants have surrounded the informant and extracted Rs. 25,000/- mobile phone and his motorcycle.

It is submitted by the revisionist's -petitioner's counsel that on basis of statement of co-accused Pankaj Kumar, having no evidentiary value, as the same being recorded in the police custody, the revisionist-petitioner was arrested and is in continued custody since 12.10.2020. He was declared juvenile by order of the Juvenile Justice Board, Begusarai on 15.01.2021. He was declared to be 16 years 04 month and 09 days at the time of the alleged occurrence. Being a juvenile in conflict with law, he submits that it is a case of false implication which is evident from the fact that neither there is any recovery from the revisionist-petitioner nor has he been put on Test Identification Parade.



Earlier, Social Investigation Report was requisitioned by this Court. The same has been received and placed at Flag-B.

The Social Investigation Report does not indicate that the discouraging circumstances, as contemplated under the proviso to Section 12 of the Act, exists so as to reject the revisionist's-petitioner's prayer for bail. In absence of any such basis as contemplated under Section 12 of the Act, the mandate of the Statute is to grant bail to the revisionist-petitioner. The father also has expressed his willingness to ensure that revisionist-petitioner does not come into contact with any antisocial elements and that proper family environment is made available to him for his rehabilitation.

Learned APP representing the State has opposed the prayer for bail. It is submitted that there are two more cases pending against the revisionist-petitioner. The learned counsel for the revisionist-petitioner clarifies that, by now, he has been allowed bail in one more case and legal proceedings are being taken for securing bail in other case pending against him since before.

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)

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