

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.20 of 2021

Arising Out of PS. Case No.-192 Year-2017 Thana- BUNIYAD GANJ District- Gaya

SAURAV KUMAR @ SAURABH KUMAR S/o Manoj Singh @ Manoj Kumar Singh Resident of Village-Kumhar Toli (Kalpu Nagar), Police Station-Muffassil, District-Gaya, under the guardianship of his father namely Manoj Singh @ Manoj Kumar Singh, son of Ashok Kumar Singh, resident of village-Mirganj, Police Station-Wazirganj, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No2
For the Respondent/s	:	Ms. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-02-2021 Heard the learned counsel for the petitioner and
Ms. Anita Kumari Singh, the learned APP for the State.

The present petition has been filed against the judgment dated 01.07.2020, passed by the learned Special Judge (Children Court), Gaya in Cr. Appeal (Juvenile) no. 32 of 2020, whereby and whereunder the order dated 27.02.2020 passed by the learned Juvenile Justice Board, Gaya in connection with Buniyadganj PS case no. 192 of 2017 under Section 307 and other allied sections of Indian Penal Code, has been upheld and the prayer of the petitioner for grant of bail, has been rejected.

The case of the prosecution is that on 22.10.2017



at about 9.30 pm, the petitioner along with his friends was returning after immersion of idol in Surya Pokhar and when they had reached near Kalyani road, Manpur, then the petitioner and other accused persons had surrounded the informant, whereafter the co-accused person namely Tinku Singh had assaulted Navin Kumar by sword on his head and then other accused persons had snatched a sum of Rs. 500/- from the pocket of the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that a general and omnibus allegation has been levelled against the petitioner and the main accused is the co-accused Tinku Singh, who is alleged to have inflicted sword blow on the head of the injured person, however there is no allegation of any sort of overt act having been engaged in as far as the petitioner herein is concerned.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and have gone through the materials on record and I find that a



general and omnibus allegation has been levelled against the petitioner herein, who is a child in conflict with law and has been declared juvenile by the learned Juvenile Justice Board, Gaya and he is languishing in the observation home since 30.03.2019. This Court further finds from a bare perusal of ***Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015*** that a child in conflict with law is required to be released on bail ordinarily, except in case, it appears that there are requisite grounds to believe that the release of the child in conflict with law is likely to bring him in association with any unknown criminal or expose him to moral, physical or psychological danger or would defeat the ends of justice, however in the present case, this Court does not find that any of such factors are present so as to impede the grant of bail to the petitioner herein. This Court further finds that the impugned orders dated 01.07.2020 and 27.02.2020 suffer from total non-consideration of the actual facts and circumstances of this case, as discussed hereinabove in the preceding paragraphs, hence are based on incorrect appreciation of the facts as also law and moreover, the same suffer from apparent error



on the very face of the same.

Considering the facts and circumstances of the case and the materials available on record as also taking into account the arguments advanced by the learned counsel for the petitioner coupled with the reasoning stated herein above in the preceding paragraphs, I deem it fit and proper to allow the present petition, consequently the judgment dated 01.07.2020, passed by the learned Special Judge (Children Court), Gaya in Cr. Appeal (Juvenile) case no. 32 of 2020 as also the order dated 27.02.2020, passed by the learned Juvenile Justice Board, Gaya in connection with Buniyadganj PS case no. 192 of 2017, are set aside.

Accordingly, the petitioner herein is directed to be released from the remand home on his furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of like amount each to the satisfaction of learned Juvenile Justice Board, Gaya in connection with Buniyadganj PS case no. 192 of 2017, subject to the condition that :-

One of the bailors of the petitioner shall be his father/ mother who at the time of filing of the bonds, shall also give an undertaking that he/ she will take good



care of the petitioner and in case, petitioner does not act as per his/ her advice, he/ she shall report the matter to the officer-in-charge of the concerned police station and further during period of bail, the petitioner will be under the supervision of concerned Probation Officer.

This revision application stands allowed on the
aforesaid terms.

(Mohit Kumar Shah, J)

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