

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.468 of 2021**

Arising Out of PS. Case No.-54 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Wasim Ahmad aged about 15 years Son Of Ahmad Ali Resident Of Village-
Sirisiya Bazar, P.S.- Kuchaikot, District- Gopalganj.

... .. Petitioner

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad, Advocate

For the Respondent/s : Mr.Akhileshwar Dayal, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 10-08-2021 Heard learned counsel for the petitioner and the State.

Instant Cr. Revision application is directed against order dated 24.3.2021, passed by the Juvenile Justice Board, Gopalganj in JE No. 33/21 by which bail application of the petitioner has been rejected. Petitioner has also challenged judgment dated 15.6.2021, passed by the Court of Additional Sessions Judge I, Gopalganj in Cr. Appeal No. 13/2021 of 2020/CIS, by which petitioner's appeal for bail has been rejected.

As per the prosecution case, informant suspects that one Vishal Kumar Kushawaha and other accused persons including the petitioner kidnapped the nephew of the informant and killed him by pressing his neck and threw the dead body in the river.

It is submitted by learned counsel for the petitioner



that the petitioner has been declared juvenile by the Juvenile Justice Board, Gopalganj. Petitioner is in custody since 4.2.2021 having no criminal antecedent. Learned counsel next submits that the father and mother of the petitioner are ready to submit their undertaking before the learned court below stating therein that they shall take proper care of the petitioner and also not allow him to fall in bad company.

Learned counsel for the State opposes the prayer for bail.

It appears that the court below has rejected the petitioner's prayer for bail taking into account the Social Investigation Report which is based on surmises and conjunctures. It has been stated in the report that the petitioner is living a lavished life and if he is released on bail, there is possibility of petitioner falling in the association of criminals and he may be involved in other offences.

From perusal of provisions of sections 12 of the Juvenile Justice (Care and Protection of Children) Act, it is evident that the Juvenile Justice Board as well as the Appellate Court are required to look into aspects which may be relevant with reference to three grounds, namely, likelihood of association with criminals, likelihood of moral, physical or



psychological danger and likelihood to defeat ends of justice, rather than searching into merits of the case or nature and gravity of appellations.

Considering the rival submissions of the parties as also the social investigation report and the position of law as stated above, orders dated 24.3.2021 and 15.6.2021 are set aside. Accordingly, the petitioner as mentioned above, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of JJB, Gopalganj in JE No.33/2021, Kuchaikot Police Station Case No. 54 of 2021/GR No.472 of 2021, subject to the condition that the parents of the petitioner shall file an affidavit before the concerned court below giving the undertaking that they shall take good and proper care of the petitioner and shall try to keep him away from the bad company and also try to bring change in the behaviour of the petitioner.

With the aforesaid observation and discussion, this application is allowed.

(Prabhat Kumar Singh, J)

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