

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.598 of 2021

Arising Out of PS. Case No.-92 Year-2020 Thana- WARISLIGANJ District- Nawada

AKSHAY KUMAR S/O RAMSARAYA CHAUHAN R/O VILLAGE-
JIYAPUR, P.S- WARSALIGANJ, DISTRICT-PATNA. Petitioner/s

Versus

THE STATE OF BIHAR. Respondent/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate.

Mrs. Priyanka Singh, Advocate.

For the Respondent/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 08-12-2021 Heard learned senior counsel for the petitioner and
learned APP for the State.

This revision application under Section 102 of the
Juvenile Justice (Care & Protection of Children) Act, 2015, is
against dismissal of the appeal by order dated 10.06.2021
passed in B.P. No.1691 of 2021, whereby the learned Lower
Appellate Court refused to interfere with the order of refusal of
prayer for bail passed on 13.08.2020 passed in GR/C J.I.N.
(Juvenile) No.658/2020, arising out of Warsaliganj P.S. Case
No.92 of 2020 registered under Sections 328, 307, 376 &
511/34 of the Indian Penal Code and Section 8 of the POCSO
Act.

It is submitted by learned senior counsel for the
petitioner that petitioner has got no criminal antecedent. He is
quite innocent and has falsely been implicated in the instant case



merely on suspicion. Informant is not the eye-witness of the occurrence. It is the self-created story of the informant. It is further submitted that petitioner has been declared as minor on 01.06.2020 by the Juvenile Justice Board.

Having heard the parties, in my view, the law is well settled that bail to a juvenile is a rule irrespective of the nature and seriousness of the allegation unless the case is covered under the proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Under the circumstances aforesaid, it is held that the impugned order is against the mandate of law. Hence, the impugned order is set aside and this revision application is allowed.

The petitioner, above named, is directed to be released at once on execution of surety bond by either of the parents of the petitioner giving undertaking that they shall keep proper care and upkeep of the petitioner and shall fully cooperate in the pending matter before the Children Court.

(Anjani Kumar Sharan, J)

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