

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.462 of 2021

Arising Out of PS. Case No.-240 Year-2020 Thana- BHAGWANPUR District- Begusarai

Sachin Kumar (DOB 25.04.2005) Minor S/O Gopal Rai Resident Of Village-
Jokia, Ps- Bhagwanpur, District-Begusarai.

... .. Petitioner

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Petitioner : Mr. Abhay Shankar Singh, Advocate

For the Respondent : Renu Kumari, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-09-2021 Heard learned counsel for the petitioner and the State.

Instant Cr. Revision application is directed against order dated 24.2.2021, passed by the Juvenile Justice Board, Begusarai in JJB Case No. 168/2020 by which bail application of the petitioner has been rejected. Petitioner has also challenged judgment dated 30.6.2021, passed by the Additional Sessions Judge I cum PO, Children Court, Begusarai in Cr. Appeal No. 20/2021 by which petitioner's prayer for bail has been rejected.

As per the prosecution case, four country made pistols, nine cartridges and two motorcycles were recovered from the house of the petitioner.

It is submitted by learned counsel for the petitioner that no incriminating material has been recovered from the conscious possession of the petitioner. Moreover, the house in



question is the joint family property. Petitioner has been declared juvenile by the Juvenile Justice Board, Begusarai vide order dated 1.2.2021. From school certificates it appears that the petitioner is a student of Higher Secondary School, Jokiya, Block Bhagwanpur, District Begusarai. Petitioner is in custody since 12.10.2020. Learned counsel further submits that the petitioner is also accused in one another case, namely, Fulwaria Police Station Case No. 148 of 2020 instituted on the same day for the offences u/s 379/401/414 of the Indian Penal Code. 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 and without there being any substantive evidence. 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 will not allow him to fall in bad company.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner has got criminal antecedent and four country made pistols, nine cartridges and two motorcycles were recovered from his house.

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 conjectures without there being any material evidence. Presumption of innocence of child, his safety and interest of child are paramount consideration while considering the bail application of a Child In Conflict with Law. From perusal of the impugned order, it is evident that the Juvenile Justice Board as well as the Appellate Court have not taken into consideration three grounds enumerated in Section 12 of the Juvenile Justice Act and only on the merit of the case, the bail application has been rejected.

Considering the rival submissions of the parties as also the social investigation report and the position of law as stated above, orders dated 24.2.2021 and 30.6.2021 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, Begusarai in JJB Case No. 168/2020/ Bhagwanpur Police Station Case No. 240/2020, 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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