

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.461 of 2021

Arising Out of PS. Case No.-45 Year-2021 Thana- MADHUBAN District- East Champaran

Ranvir Yadav Aged About 17 Years S/O Sri Sushil Yadav R/O Village-
Krishna Nagar, P.S.- Madhuban, District- East Champaran, Through His
Father/Guardian, Sri Sushil Yadav, About 44 Y/M, S/O Sri Dwarika Prasad
Yadav, R/O Village- Krishna Nagar, P.S.- Madhuban, District- East
Champaran ... Petitioner

Versus

The State of Bihar ... Respondent

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Respondent/s : Mr.Ajay Kumar Jha, 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 9.4.2021.2021, passed by the Principal Magistrate, Juvenile Justice Board, East Champaran at Motihari in JJB Trial No. 1074 of 2021 by which bail application of the petitioner has been rejected. Petitioner has also challenged judgment dated 19.6.2021, passed by the Court of Additional Sessions Judge I, East Champaran at Motihari in Cr. Appeal No. 12 of 2021, by which petitioner's appeal for bail has been rejected.

As per the prosecution case, 14 named accused persons including the petitioner and 10-15 unknown accused persons were unloading illicit liquor from a truck for purpose of selling it elsewhere and this petitioner was apprehended on the spot by police.

It is submitted by learned counsel for the petitioner



that the petitioner has been declared Juvenile (Child In Conflict with Law) vide order dated 26.3.2021. Petitioner is in custody since 14.2.2021 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 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 has 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 9.4.2021 and 19.6.2021 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, East Champaran at Motihari in JJB Trial No.1074 of 2021/Madhuban Police Station Case No. 45 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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