

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.463 of 2021

Arising Out of PS. Case No.-577 Year-2020 Thana- LAKHISARAI District- Lakhisarai

XX

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	M/s Ajay Kumar Thakur Vaishnavi Singh, Advocates
For the Respondent/s	:	Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-09-2021 Heard learned counsel for the parties through video conferencing.

Though the petitioner has given full description in the application, in view of section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015, it would not be appropriate to disclose his identity and as such he is being referred to in the cause title as XX.

The instant revision application has been preferred against the order dated 11.6.2021 passed by the learned Additional District & Sessions Judge I – cum – Special Judge, Lakhisarai, whereby the prayer for bail of the petitioner in connection with Lakhisarai P.S. Case no. 577 of 2020 registered under sections 363 and 365 of the Indian Penal Code was rejected.



As per the prosecution case, the brother of the informant who was going on a cycle to attend his coaching classes, was seen by some persons being forcibly kidnapped by the accused on a motor vehicle.

It is submitted by learned counsel appearing for the petitioner that by order dated 24.12.2020 the petitioner was held to be a juvenile in conflict of law. The FIR was registered against unknown. The name of the petitioner transpired in course of investigation in the confessional statement of co-accused Badal Kumar. On his name transpiring the juvenile petitioner surrendered in the learned Court below on 28.11.2020 and is in Observation Home since then. It is further submitted that the victim boy in his statement under section 164 Cr.P.C. stated that he learnt the name of the petitioner in course of conversation amongst the accused persons. It is submitted that the petitioner has been falsely implicated in the case and no direct material has transpired against him in course of investigation. It is submitted that the learned trial court committed an error in going on the seriousness of the allegation which is in the teeth of the judgment of this Court in the case of *Lalu Kumar & ors vs. State of Bihar & ors.* [2019 (4) PLJR 833], in paragraph no. 87 of which it has held that the



seriousness of the offence alleged cannot be made a ground for rejecting bail in a case of a child in conflict with law. Further nothing has been brought on record to show that the release of the petitioner would expose him to moral, physical or psychological danger or as to how in the event of grant of bail the ends of justice would be defeated.

The prayer for bail is opposed by learned APP for the State.

A report from the Probation Officer was called for and the same has been received. As per the contents of the report the juvenile petitioner is in Observation Home at Lakhisarai and there is no chance that on release the petitioner would come in contact with unsocial elements.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the contents of the report of the Probation Officer concerned, the instant application is allowed and the order dated 11.6.2021 passed by the learned Additional District & Sessions Judge I – cum – Special Judge, Lakhisarai, in connection with Lakhisarai P.S. Case no. 577 of 2020, as also the order dated 5.4.2021 passed in Lakhisarai P.S. Case no. 577 of 2020 by the learned Juvenile Justice Board,



Lakhisarai, both in so far as the prayer for bail of the petitioner is concerned, are set aside and the instant application is allowed.

The petitioner is directed to be enlarged on bail in connection with Lakhisarai P.S. Case no. 577 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Lakhisarai.

(Partha Sarthy, J)

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