

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 482 of 2021

Arising Out of PS. Case No.-493 Year-2020 Thana- WAJIRGANJ District- Gaya

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MOHAN KUMAR S/O ANAND SINGH @ ANGAD SINGH R/o village-
Dakhingaon, P.S.- Wazirganj, District- Gaya through his father and natural
guardian namely Anand Singh @ Angad Singh aged about 67 years (Male)
S/o Late Ganauri Singh, R/o village- Dakhingaon, P.S.- Wazirganj, District-
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Shailesh Kumar, Advocate
For the Respondent/s : Mr Anil Kumar Singh No 1, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 14-09-2021 This case has been taken up today for consideration
through Video Conferencing.

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor (for brevity, APP)
appearing for the State of Bihar.

Prosecution case is that the informant's son had gone
missing. The dead body has later been recovered from a pond.
Based on some Closed-Circuit Television footage, the petitioner
has been implicated as it is said that the victim was seen going
with the petitioner.

Learned counsel for the petitioner submits that the
informant's son, petitioner and some other friends had gone for



bathing in the pond. The victim has suffered an accidental death on account of drowning. Submission is that they were on friendly terms and even in the investigation, no reliable material has emerged regarding the petitioner's involvement. Allegation is merely based on suspicion.

Petitioner is a juvenile and the Court had, therefore, requisitioned the Social Investigation Report. Copy of the same has been received. The Probationary Officer has not placed on record any material justifying rejection of the petitioner's prayer for bail for the exceptional circumstances, as contemplated under the proviso to Section 12 of the Child (Care and Protection) Act (for brevity, *the Act*). In absence of any exceptional circumstances, Section 12 of the Act mandates grant of bail to a juvenile. It is further pointed out to the Court that co-accused Vikash Kumar and Rishu Kumar have already been granted bail by this Court in Criminal Revision No 389 of 2021 and Criminal Revision No 282 of 2021 respectively. The petitioner is in custody since 13.11.2020.

Prayer was made on behalf of the petitioner for his release before the Court of Additional Chief Judicial Magistrate -cum- Principal Magistrate, Juvenile Justice Board, Gaya in GR No 5269 of 2020, Miscellaneous No 192 of 2020. However, the



prayer was rejected under order dated 15.01.2021. Against the same, the petitioner approached the Special Judge (Children Court), Gaya by filing Criminal Appeal (Juvenile) No 14 of 2021 (CIS). The same has also been rejected under order dated 23.02.2021. Accordingly, the instant application has been filed seeking the petitioner's release on bail.

The fact of the petitioner's juvenility stands established. The requirement of Section 12 of the Act is quite clear. The order rejecting the petitioner's prayer for release is not based on any valid consideration as per exceptions provided under Section 12 of the Act.

Learned APP has opposed the prayer for bail. He, however, is not in a position to dispute the recommendation of the Social Investigation Report, as submitted by the petitioner's counsel.

In view of the aforesaid circumstances, the petitioner's prayer for release on bail is allowed. Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate -cum- Principal Magistrate, Juvenile Justice Board, Gaya in GR No 5269 of 2020, Miscellaneous No 192 of



2020 arising out of Wazirganj Police Station Case No 493 of 2020.

The Juvenile Justice Board, while releasing the petitioner, will take an undertaking from his father regarding petitioner's proper guidance and safe keeping.

(Madhuresh Prasad, J)

M.E.H./-

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