

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.515 of 2021

Arising Out of PS. Case No.-143 Year-2020 Thana- JAGDISHPUR District- Bhojpur

Prince Kumar @ Prince Kumar Singh S/O Sri Satyendra Singh @ Pappu Singh Under Guardianship Of His Father Sri Satyendra Singh @ Pappu Singh, Resident Of Village- Bhadwar, P.S.- Bagen Gola, District- Buxar.

... .. Petitioner

Versus

The State Of Bihar

... Respondent

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

For the Respondent/s : Mr.Yogendra Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-09-2021 Heard learned counsel for the petitioner and the State.

Instant Cr. Revision application is directed against order dated 7.6.2021, passed by the Juvenile Justice Board, Ara in JJB Case No. 901 of 2021 by which bail application of the petitioner has been rejected. Petitioner has also challenged judgment dated 3.8.2021, passed by the Additional Sessions Judge cum Children Court, Bhojpur at Ara in Cr. Appeal No. 35/2021 by which petitioner's prayer for bail has been rejected.

It is submitted by learned counsel for the petitioner that the petitioner has been declared juvenile by the Juvenile Justice Board, Ara on 7.4.2021 and he has got no criminal antecedent. He submits that perusal of the appellate order it appears that the petitioner has passed the All India Secondary School Examination in 2018 and has proved himself a good, honest and sincere student. Thus the petitioner a student and his career will be spoiled if he is detained in custody. There is no eye witness of the occurrence and at best instant case is the case



of last seen. It is further submitted that though the petitioner has been declared juvenile but 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.

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 7.6.2021 and 3.8.2021 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, Bhojpur at Ara in JJB Case No. 901 of 2021/Jagdishpur Police Station Case No. 143 of 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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