

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.525 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- WARISLIGANJ District- Nawada

Raja Babu @ Raja Baboo Son of Sadhu Singh Aged about 16 years 11 months 15 days presently (About 16 years 7 months 05 days at the time of occurrence) (Male) Resident of Village - Apsarh, P.S.- Warsaliganj, District - Nawada being represented through his mother namely Rani Devi aged about 33 years Female, wife of Sadhu Singh, Resident of Village - Apsarh, P.S.- Warsaliganj, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibhansu Kumar Son of Bhim Prasad Resident of Village - Poxi, P.S.- Pakri Barawan, District - Nawada, Mob.- 7870733705

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate
For the Respondent/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 06-10-2021 Let the defects, if any, be removed within four weeks of the start of the normal functioning of the Court.

2. Heard the parties.

3. This criminal revision application has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015, against refusal of the prayer for bail, by the learned Juvenile Justice Board, Nawada, in GR/C/J.I.N./1239/2021/806/2021, arising out of Warsaliganj P.S. Case No.127 of 2021, as well as against affirmation of the order dated 15.07.2021 of the Juvenile Justice Board, by the lower appellate Court in Cr. Appeal (Juvenile) Case No. 19 of



2021 vide order dated 31.07.2021.

4. The aforesaid Warsaliganj P.S. Case No.127 of 2021 was registered under Section 394 of the Indian Penal Code against unknown. The occurrence relates to robbery of bike and cash on the point of pistol.

5. Submission is that the reference of the bike is mentioned in the FIR and the same was not recovered from possession of the petitioner. The petitioner has been implicated in Warsaliganj P.S. Case N o.122 of 2021, a case under Section 392 of the Indian Penal Code, against unknown.

6. The petitioner was declared juvenile by the Juvenile Justice Board dated 28.06.2021 considering the date of birth of the petitioner recorded in the school certificate as 01.09.2004 whereas the occurrence allegedly took place on 06.04.2019.

7. On the basis of the criminal antecedent, referred above, prayer for bail of the petitioner was refused giving the reason that the criminal antecedent of the petitioner shows that he has some relationship with the criminal association.

8. The learned lower appellate Court did not interfere with the order of refusal of bail by the Juvenile Justice Board accepting and approving the reasons assigned by the Juvenile



Justice Board.

9. Learned counsel for the petitioner submits that the Juvenile Justice (Care and Protection of Children) Act, 2015, protects a child in conflict with law in the matter of grant of bail irrespective of the seriousness of the allegation. The prayer can be refused under proviso to Section 12 of the Act when the case under the said proviso is made out based on the material on the record.

10. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 reads as follows:

“12. Bail to a person who is apparently a child alleged to be in conflict with law.-

(1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:

Provided that such person shall not be so



released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision. ”

11. Evidently, there is no material to substantiate that the petitioner in the event of release would go in association with any known criminals or would expose him to moral, physical and psychological danger. One more liberty is given to the Court that if the grant of bail to the juvenile would defeat the ends of justice then the Court can refuse the prayer of bail to the juvenile in conflict with law after recording reason.

12. The material on the record does not suggest that there is evidence of involvement of the petitioner in any of the two cases. The Courts-below have not referred that who are the known criminals in whose association, in the event of release the petitioner can go nor there is any material to say that in the event of release there is chances of exposure of the petitioner to moral, physical and psychological danger.

13. Since the orders passed by the learned Courts-



below are not consistent with the mandate of law, the impugned orders are not sustainable in law. Hence, impugned orders dated 15.07.2021 and 31.07.2021 are set aside and this application stands allowed.

14. Let the petitioner, above named, be released at once on execution of surety bond by either of the parents of the petitioner giving undertaking that he/she shall keep proper care and upkeep of the petitioner and shall fully cooperate in the enquiry/trial before the Juvenile Justice Board/Children Court.

(Birendra Kumar, J)

Mkr./-

U		T	
---	--	---	--

