

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.116 of 2021

Arising Out of PS. Case No.-55 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

CHAKRASEN BAHADUR, SON OF SRI RAMPYARE SINGH YADAV,
R/o village - Madurna, P.S. - Chainpur, District - Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Sinha No.1, Advocate
For the Respondent/s : Mr. Tribhuvan Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 07-04-2021 Heard learned counsel for the parties.

This criminal revision, under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short the “Juvenile Justice Act”), is against refusal of the prayer for bail by the Juvenile Justice Board on 14.08.2020 in connection with Chainpur P.S. Case No. 55 of 2020 registered under Sections 307, 302, 120-B/34 of the Indian Penal code and under Section 27 of the Arms Act corresponding to JTR No. 414 of 2020 and thereafter confirmation of the said order by the learned Appellate Court in Cr. Appeal No. 13 of 2020 by judgment and order dated 30.09.2020.

The petitioner is accused in connection with Chainpur P.S. Case No. 55 of 2020 bearing allegation that the petitioner caused firearm injury and death of the daughter of his own sister as well as firearm injury to his sister.



The petitioner was declared juvenile by the Juvenile Justice Board, Bhabhua on 28.06.2020. However, prayer for bail was refused on the ground that report of the Probation Officer is that the juvenile is in association with the criminals and in the event of release, there is likelihood of physical, moral and psychological exploitation of the juvenile.

The learned Lower Appellate Court agreed with the said reasoning of the Juvenile Justice Board while refusing the prayer for bail to the petitioner aforesaid.

Learned counsel for the petitioner submits that the law is well settled that while considering prayer for bail, under Section 12 of the Juvenile Justice Act, it would be immaterial as to what serious allegation, the juvenile was carrying. Learned counsel further submits that there is no material to substantiate that in whose association, the petitioner would go in the event of his release nor there is material to substantiate that in the event of release, there is likelihood of exposure of the petitioner to moral, physical or psychological danger.

In absence of material to substantiate the fact that the case is covered under proviso to Section 12 of the Juvenile Justice Act, the refusal of prayer for bail is against the mandate of the Juvenile Justice Act and orders passed by the learned



Courts below have affect of neutralizing the effect of juvenile beneficial legislation.

Learned counsel for the informant opposed the prayer for bail on the ground of seriousness of the allegation against the petitioner.

Petitioner is in custody since 25.02.2020. There is no dispute that the petitioner is a juvenile. Hence, in my view, in absence of material to conclude that the case is covered under proviso to Section 12 of the Juvenile Justice Act, petitioner deserves bail. Accordingly, petitioner is directed to be released on execution of surety bond by either of the parents with undertaking that he/she shall keep proper upkeep of the petitioner and shall fully cooperate with the inquiry before the Juvenile Justice Board.

Accordingly, the impugned orders are set aside and this criminal revision is allowed.

(Birendra Kumar, J)

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