

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.49 of 2022**

Arising Out of PS. Case No.-670 Year-2021 Thana- NAWADA District- Nawada

XXX Son of Baliram Singh Under the Guardinship of his father his namely  
baliram Singh @ Balam Singh, Resident of Village- Maya Bigha, P.S.-  
Nawada, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Respondent/s : Mr.Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      28-07-2022                      Heard learned counsel for the petitioner and Mr. Tarun  
Kumar Mandal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking setting aside of  
the order dated 07.12.2021 passed in Cr. Appeal No. 35/2021 arising  
out of Nawada Town P.S. Case No. 670/2021 under Section 25(1-b)a,  
26/35 of the Arms Act by learned Additional Sessions Judge – 1 –  
cum – Special Judge, Nawada. Petitioner has no criminal antecedent,  
as stated in paragraph ‘3’ of the application.

As per the prosecution story, while the informant  
along with other police personnel were on patrolling duty and in  
that course he found a bike coming from the side of Nawada and  
on seeing police force the motorcycle rider started to flee away  
by taking benefit of darkness but one person was apprehended  
who disclosed his name as Uttam Kumar and he further  
disclosed the name of the two person as Vikash Kumar and



Sunny Kumar @ Chotu Kumar (the petitioner). Police searched him and recovered one country made pistol from his waist.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Nothing has been recovered from the possession of the petitioner and he has, otherwise, no criminal antecedent.

Learned counsel submits that the petitioner has remained in the juvenile remand home since 08.09.2021 and his father is ready to stand as a surety and furnish an undertaking that he will take the petitioner with himself and shall ensure his studies as well as that he would not fall in bad company and connect him with the mainstream of the society.

Mr. Tarun Prasad Mandal, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the submission that nothing has been recovered from the possession of the petitioner, he has no criminal antecedent and in the social investigation report there is no adverse remarks against the petitioner, he has remained in the observation home since 08.09.2021 and his father is ready to stand as a surety and furnish an undertaking that if released on bail he will take care of the study of the petitioner and shall ensure that he does not fall in bad company and in case the



petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station as also following the spirit of section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and in view of the exceptions carved out by the Hon'ble Division Bench of this Court in the case of **Lalu Kumar and Ors. Vs. The State of Bihar reported in 2019 (4) PLJR 833** that classification of the offences under the bailable and non-bailable sections would not be relevant for purpose of grant of bail to a juvenile and the prayer for bail of a juvenile may be rejected only under one of the three conditions as under:-

- “(i) The release is likely to bring that person into association with any known criminal;
- (ii) The release is likely to expose the said person to moral or physiological danger; and
- (iii) The release would defeat the ends of justice.”

this court sets-aside the impugned order and directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/-(Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge – cum – Special Judge, Nawada in connection with G.R. No. 2218/2021 arising out of Nawada P.S. Case No. 670 of 2021.

One of the sureties should be the father of the



petitioner and he will also furnish an undertaking that if released on bail, the petitioner shall not be allowed to come in contact of any bad element and in case the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station.

The Probation Officer shall keep on visiting the place of the petitioner and shall submit periodical report to the Juvenile Justice Board, Nawada as regards the conduct of the petitioner. If anything adverse is found against the petitioner, the same will also be reported to the Board for necessary action.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajeev Ranjan Prasad, J.)**

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

