

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.81 of 2022

Arising Out of PS. Case No.-429 Year-2021 Thana- ARARIA District- Araria

XXX S/o Md. Ahmad Hussain @ Ahmad under natural guardianship of his mother Dilwari @ Bibi Dilbari @ Dilbari, W/o Md. Ahmad Hussain @ Ahmad, Resident of Village- Belwa, Jhawwari, Ward No.-11, P.S.- Araria, District- Araria.

... .. Petitioner

Versus

1. The State of Bihar
2. Md. Mutajir Alam Son of Md. Naushand Resident of Village- Belwa Tola- Jhawwari, Ward No.-11, P.S.- Araria, District- Araria.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar, Advocate
For the Respondent/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-07-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner, in the present case, is seeking setting aside of the judgment/order dated 04.01.2022 passed in Criminal Appeal No. 24/2021 (Juvenile) by learned Sessions Judge, Araria whereby and whereunder learned Sessions Judge, Araria dismissed the appeal of the petitioner and also set-aside the order dated 08.10.2021 passed by Juvenile Justice Board, Araria in connection with Special Case No. 93/2021 arising out of Araria P.S. Case No. 429/2021 for the offences under Sections 341, 323, 327, 307, 379, 504, 506 of the Indian Penal Code.



As per the prosecution case, the informant has alleged that on 31.05.2021 while he was coming towards petitioner's house, in the meantime co-accused Md. Mobassir came out of his house and abused him and when he opposed then co-accused dragged him after putting rope in his neck, thereafter co-accused Ahmad Hussain gave knife blow on his head and other co-accused badly assaulted by means of lathi and rod.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case due to land dispute. Specific allegation is against co-accused Ahmad Hussain who assaulted the informant with knife on his head. Learned counsel submits that petitioner is a young boy aged about 15 years at the time of alleged occurrence and his mother is ready to stand as a surety and furnish an undertaking that if released on bail she would ensure that the petitioner does not get involved in commission of any crime and she would further ensure that the petitioner is duly involved either in his study or at work and, in case, the petitioner is found involved in any offence hereafter, she will immediately report to the jurisdictional police station.

It is further submitted that in the case of **Lalu Kumar and Ors. versus The State of Bihar** reported in **2019 (4)**



PLJR 833 the Hon'ble Division Bench of this Court in paragraph '84' of the judgment has carved out three exceptions in which prayer for bail of a juvenile may be denied which are 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 physiology danger; and
- (ii) The release would defeat the ends of justice.”

Learned A.P.P. for the State has opposed the application for bail of the petitioner.

Having regard to the submission that the petitioner has been adjudged juvenile aged about 15 years on the alleged date of occurrence i.e. 13.05.2021 and the present case arose out of some petty issues and family disputes, keeping in view the spirit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and keeping in view the exceptions carved out by the Hon'ble Division Bench of this Court in the case of **Lalu Kumar (supra)** as also that his mother is ready to stand as a surety and furnish an undertaking that if released on bail she would ensure that the petitioner does not get involved in commission of any crime and she would further ensure that the petitioner is duly involved either in his study or at work and, in



case, the petitioner is found involved in any offence hereafter, she will immediately report to the jurisdictional police station, this court sets-aside the impugned judgment and directs release of the petitioner above-named 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 Juvenile Justice Board, Araria in connection with Special Case No. 93 of 2021 arising out of Araria P.S. Case No. 429 of 2021.

Subject to condition that the one of the sureties shall be the mother of the petitioner and will furnish an undertaking as stated hereinabove.

The Probation Officer attached to the Juvenile Justice Board, Araria shall keep the vigil over the conduct of the petitioner and shall keep on submitting his periodical report to the Juvenile Justice Board, Araria.

(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'.

