

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.121 of 2022

Arising Out of PS. Case No.-68 Year-2021 Thana- DUMRA District- Sitamarhi

(XXX) Son of Naresh Paswan Resident of Village- Amauhari Chapra @ Hari Chapra, P.S.- Dumra, District- Sitamarhi (Bihar) Under the Guardianship of his Mother Namely Indu Devi. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shankar Kumar, Advocate

For the State : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-09-2022 Heard learned counsel for the petitioner and Mr. Ajay Kumar Jha, learned APP for the State.

The petitioner in the present case is seeking setting aside of the order dated 30.11.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Children's Court, Sitamarhi in Cr. Appeal No. 37 of 2021 whereby and whereunder the order dated 04.10.2021 rejecting the prayer for bail of the petitioner passed by learned Juvenile Justice Board, Sitamarhi in JJB Case No. 1367 of 2021 arising out of Dumra P.S. Case No. 68 of 2021 registered for the offences punishable under Sections 413, 414 of the Indian Penal Code has been affirmed.

Learned counsel for the petitioner submits that the petitioner in this case is a juvenile aged about 14 years 22 days on the alleged date of occurrence i.e. 25.02.2021. It is submitted that the name of this petitioner has transpired in the confessional statement of one Gopal Krishna from whose house recovery of stolen motorcycles



has been made. The petitioner in this case has remained in judicial custody since 09.03.2021.

Mr. Ajay Kumar Jha, learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard of the submissions that the name of the petitioner has transferred in the confessional statement of one Gopal Krishna from whose house recovery of stolen motorcycles has been made, this petitioner has been involved in 5 cases one after another only on the basis of confessional statement, he has been adjudged juvenile aged about 14 years 22 days on the alleged date of occurrence and the social investigation report indicates that he has fallen in bad company but his father is ready to stand as a surety and furnish an undertaking that if released on bail he will take this petitioner to Delhi where he was earlier studying and shall connect him to the mainstream of the society as also following the spirit of Section 12 of 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. versus 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 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, Sitamarhi in connection with Dumra P.S. Case No. 68 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, he will take this petitioner to Delhi where he was earlier studying and shall connect him to the mainstream of the society 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, Sitamarhi 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.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

