

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.126 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- BARGAINIA District- Sitamarhi

XXX Son Of Ramdeo Rai @ Ramdeo Yadav Resident Of Village- Rajwada,
Musharniya, P.S.- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-11-2022 Heard learned counsel for the petitioner and Mr.
Navin Kumar Pandey, learned APP for the State.

Petitioner in this case is seeking setting aside of the impugned order dated 14.12.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge (Children's Court) Sitamarhi in Cr. Appeal No. 40/2021 whereby and whereunder the order dated 27.08.2021 rejecting the prayer for bail of the petitioner passed by the learned Juvenile Justice Board, Sitamarhi in J.J. Board Case No. 1304/2021 arising out of Bairagania P.S. Case No. 57 of 2021 registered under Section 386 of the Indian Penal Code has been affirmed.

Learned counsel for the petitioner submits that the petitioner has been adjudged juvenile aged about 16 years 9 months 4 days on the alleged date of occurrence. He has, though one criminal antecedent but in the present case, he has been



apprehended by the police from his house on the basis of a mere confessional statement of the co-accused Himanshu Jha. It is submitted that there is no adverse material against him in the social investigation report. It has come in course of investigation that petitioner is a student of intermediate class and is pursuing his studies.

It is further submitted that his father is ready to stand as a surety and furnish an undertaking that if released on bail, he will ensure that the petitioner does not fall in bad company and if it is found that he is involving in commission of any offence, the same will be reported to the jurisdictional police station.

Mr. Navin Kumar Pandey, learned APP for the State has, though opposed the prayer for bail of the petitioner saying that this petitioner is said to be an associate of Himanshu Jha and had been involved in demanding *rangdari* but considering the fact that petitioner is a juvenile, he has already remained in protective custody for over one year four months by now and at this stage, his father is ready to stand as a surety and furnish an undertaking that if released on bail, he will ensure that the petitioner does not fall in bad company and if it is found that he is involving in commission of any offence, the same will be reported to the jurisdictional police station, considering 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. 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 physiology 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Principal Magistrate, Juvenile Justice Board, Sitamarhi in connection with J.J. Board Case No. 1304 of 2021 arising out of Bairgania P.S. Case No. 57 of 2021.

One of the sureties shall be the father of the petitioner and he will furnish an undertaking that if released on bail, he will ensure that the petitioner does not fall in bad company and if it is found that he is involving in commission of any offence, the same will be reported 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 allowed.

(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'.

