

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.151 of 2022

Arising Out of PS. Case No.-136 Year-2019 Thana- JADOPUR District- Gopalganj

=====

(XXX) Son of Rameshwar Singh @ Rameshwar Prasad R/O Village-
Hirapakar, P.S.- Jadopur, District- Gopalganj under the Guardianship of his
Father Rameshwar Singh @ Rameshwar Prasad, S/O- Dimagi Prasad, R/O
Village- Hiarpakar, P.S.- Jadopur, District- Gopalganj Petitioner
Versus

The State of Bihar Opposite party

=====

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate
For the Respondent/s : Mr. Md. Fahimuddin, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 11-10-2022 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

This revision application is directed against the order dated 16.10.2020 passed by learned Additional District & Sessions Judge-1st District-Gopalganj in Cr. Appeal No. 12 of 2020 whereby and whereunder the order dated 26.02.2020 rejecting the prayer for bail of the petitioner passed by learned Juvenile Justice Board, Gopalganj in J.E.. No. 16 of 2020 arising out of Jadopur P.S. Case No. 136 of 2019 registered for the offence punishable under Sections 394, 411, 326 of the Indian Penal Code and Section 25(1-b)a/27/35 of the Arms Act has been affirmed.

Learned counsel for the petitioner submits that the petitioner in this case has been adjudged juvenile aged 15 years 11 months 29 days on the alleged date of occurrence. It is



submitted that the petitioner has no criminal antecedent.

Learned counsel submits that the father of the petitioner is ready to stand as a surety and to furnish an undertaking that if released on bail he will not allow the petitioner to fall in bad company and in case the petitioner is found getting engaged in any unlawful act, the same will be reported to the nearest police station.

Learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted from the social investigation report that there is no complaint against the behavioural pattern of the petitioner.

Having regard to the age of the petitioner being 15 years 11 months 29 days on the alleged date of occurrence and that the petitioner has no criminal antecedent and nothing adverse has been reported to this Court from the social investigation report and at this stage father of the petitioner is ready to stand as a surety and furnish an undertaking that if released on bail, he will not allow the petitioner to fall in bad company and in case the petitioner is found getting engaged in any unlawful act, the same will be reported to the nearest police station, considering 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 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, Gopalganj (Bihar) in connection with J.E. No. 16 of 2020 arising out of Jadopur P.S. Case No. 136 of 2019.

One of the sureties should be the father of the petitioner and furnish an undertaking that if released on bail he will not allow the petitioner to fall in bad company and in case the petitioner is found getting engaged in any unlawful act, the same will be reported to the nearest police station.

The Probation Officer shall keep on visiting the place of the petitioner and shall submit periodical report to the



Juvenile Justice Board, Gopalganj 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)

SUSHMA2/-

U		T	
---	--	---	--

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'.

