

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.148 of 2022

Arising Out of PS. Case No.-135 Year-2021 Thana- DELHA District- Gaya

(XXX) through his Father and Matural Guardian, Namely, Goveradhan Yadav
Resident of Mohalla- Telbiga, P.S.- Kotwali, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-09-2022 Heard learned counsel for the petitioner and Mr.
Matloob Rab, learned APP for the State.

This revision application is directed against the order dated 26.11.2021 passed by learned Special Judge (Children Court) Gaya in Cr. Appeal (Juvenile) No. 68 of 2021 whereby and whereunder the order dated 24.09.2021 rejecting the prayer for bail of the petitioner passed by learned Juvenile Justice Board, Gaya in G.R. No. 3255 of 2021 (Misc. 184/21) arising out of Delha P.S. Case No. 135 of 2021 registered for the offence punishable under Section 25(1-b)a/26 of the Arms Act has been affirmed.

Learned counsel for the petitioner submits that the petitioner in this case is a juvenile aged about 15 years 6 months on the alleged date of occurrence. It is submitted that the petitioner has remained in observation home since 04.07.2021.



Learned counsel submits that the father of the petitioner is ready to stand as a surety and will also furnish an undertaking that if released on bail, he will ensure that the petitioner shall not be allowed to come in contact of any bad element and the petitioner shall continue with his studies and in case the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the submissions and the materials available on the record showing that the petitioner has been adjudged juvenile aged 15 years 6 months approximately on the alleged date of occurrence, his father is ready to stand as a surety and furnish an undertaking that if released on bail he will ensure that the petitioner continue with his studies and further that the petitioner has remained in observation home since 04.07.2021, he has got one criminal antecedent as stated in paragraph '3' in which as per instruction of the learned counsel, the petitioner is on bail 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, Gaya in connection with Delha P.S. Case No. 135 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 ensure that the petitioner shall not be allowed to come in contact of any bad element and the petitioner shall continue with his studies 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, Gaya 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'.

