

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.158 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- JAGDISHPUR District- Bhojpur

(XXX) son of Baban Yadav Under The Guardianship Of His Father Namely
Baban Yadav Resident Of Vill- Pilapur, P.S.- Jagdishpur, Dist- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Rajani Ranjan Pd. Singh, Advocate
For the Respondent/s	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Ms. Mira Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

8 22-09-2022 Heard learned counsel for the petitioner, Mr. Akhileshwar Dayal, learned APP for the State and Ms. Mira Kumari, learned counsel for the informant.

The petitioner in the present case is seeking setting aside of the order dated 28.09.2021 passed by learned Additional Sessions Judge, 1st-cum-Child Court, Bhojpur at Ara in Cr. Appeal No. 41 of 2021 whereby and whereunder the order dated 09.07.2021 rejecting the prayer for bail of the petitioner passed by learned Juvenile Justice Board, Bhojpur at Ara in J.J.B. Case No. 924/925 of 2021 arising out of Jagdishpur P.S. Case No. 26 of 2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act has been affirmed.

Learned counsel for the petitioner submits that the petitioner is in the observation home since 29.01.2021. He has



been declared juvenile aged about 17 years 4 months and 4 days on the alleged date of occurrence i.e. 14.01.2021. It is submitted that co-accused have already been granted bail in Cr. Revision No. 713 of 2021 and Cr. Misc. No. 41180 of 2021.

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 would ensure that the petitioner does not fall in bad company and he gets connected with the mainstream of the society and shall also ensure that the petitioner continues with his studies and in case the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station.

Learned counsel for the informant as well as learned APP for the State have opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, the age of the petitioner being 17 years 4 months and he has been declared juvenile, he has no criminal antecedent, his father is ready to stand as a surety and furnish an undertaking that if released on bail, he would ensure that the petitioner does not fall in bad company and he gets connected with the mainstream of the society and in case the petitioner indulges in



any unlawful act, he will inform it to the jurisdictional police station and shall ensure his studies as also further 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 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, Bhojpur at Ara in connection with J.J.B. Case No. 924/925 of 2021 arising out of Jagdishpur P.S. Case No. 26 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 would ensure that the petitioner does not fall in bad company and he gets connected with 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, Bhojpur at Ara 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'.

