

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.172 of 2022

Arising Out of PS. Case No.-827 Year-2020 Thana- SAHARSA SADAR District- Saharsa

(XXX) Son Of Jai Prakash Mishra Under Guardianship Of His Father,
Resident Of Tiwary Tola, Ward No. 33, P.S. And District- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar
2. Ranjana Devi Wife of Late Mahendra Chaubey Resident of Tiwary Tola,
Ward No. 33, P.S. and District- Saharsa.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Rishit Deo Kumar Singh, Advocate Ms. Kanchan Jha, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 18-07-2022 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

This revision application is directed against the order dated 16.11.2021 passed by learned Additional District & Sessions Judge, 1st-cum-Special Judge (Children Court), Saharsa in Cr. Appeal No. 11 of 2021 whereby and whereunder the order dated 02.09.2021 rejecting the prayer for bail of the petitioner passed by learned Juvenile Justice Board, Saharsa in J.J.B. No. 144 of 2021 arising out of Saharsa P.S. Case No. 827 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act has been affirmed.

The petitioner in this case is a juvenile aged about 17



years 8 months on the alleged date of occurrence. Learned counsel for the petitioner submits that the petitioner has no criminal antecedent and has remained in the observation home since 18.06.2021.

Learned counsel for the petitioner 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 do not fall in bad company and he gets connected with the mainstream of the society.

Mr. Dayal, learned APP for the State has informed this Court that there is no adverse report against the petitioner in his social investigation report.

Having regard to the submissions and the materials available on the record showing that the petitioner has been adjudged juvenile aged about 17 years 8 months on the alleged date of occurrence, he has no criminal antecedent and is an intermediate student and learned APP for the State has informed that there is no adverse report against the petitioner in his social investigation report, therefore, 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, Saharsa in connection with JJB Case No. 144 of 2021 arising out of Saharsa P.S. Case No. 827 of 2020.

One of the sureties should be the father of the petitioner and he will also furnish an undertaking that if released on bail, the petitioner shall not be allowed to come in contact of any bad element 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, Saharsa 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'.

