

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.177 of 2022

Arising Out of PS. Case No.-206 Year-2021 Thana- SONBERSA District- Sitamarhi

XXX, Represented Through His Natural Guardian Mother Namely Nagina
Devi Ram Bahadur Paswan @ Rambabu Paswan Resident of Village- Malaha
Tole, Ward No.10, P.S.- Bela, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Garg, Advocate
For the Respondent/s : Mr.Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 12-07-2022 Heard learned counsel for the petitioner and Mr.
Brajendra Nath Pandey, learned APP for the State.

This revision application is directed against the order dated 14.02.2022 passed by learned Additional Sessions Judge-I-cum-Special Judge (Children's Court), Sitamarhi in Cr. Appeal No. 03 of 2022 whereby and whereunder the order dated 23.12.2021 rejecting bail of the petitioner by learned Juvenile Justice Board, Sitamarhi in J.J. Board Case No. 1527 of 2021 arising out of Sonbarsa P.S. Case No. 206 of 2021 registered for the offences punishable under Sections 457 and 380 of the Indian Penal Code has been affirmed.

Learned counsel for the petitioner submits that the petitioner has been declared juvenile by the Juvenile Justice



Board, Sitamarhi aged about 15 years, 04 months and 08 days on the alleged date of occurrence. In the social investigation report it has come that the petitioner is interested in studies. He has remained in the observation home since 29.11.2021 and his mother is ready to stand as a surety and furnish an undertaking that if released on bail the petitioner shall not be allowed to indulge in any unlawful act and all care will be taken that he does not fall in the company of anti-social elements and in case the petitioner indulges in any unlawful act, she will inform it to the jurisdictional police station.

It is further submitted that in the case of **Lalu Kumar and Ors. versus The State of Bihar** reported in **2019 (4) PLJR 833** the Hon'ble Division Bench of this Court in paragraph '84' of the judgment has carved out three exceptions in which prayer for bail of a juvenile may be denied which are 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
- (ii) The release would defeat the ends of justice.”

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 about 15 years, 04 months and 08 days on the alleged date of occurrence, the social investigation report shows that petitioner is interested in studies, he has remained in the observation home since 29.11.2021, keeping in view the spirit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and keeping in view the exceptions carved out by the Hon'ble Division Bench of this Court in the case of **Lalu Kumar (supra)**, as also his mother is ready to stand as a surety and furnish an undertaking that if released on bail she will ensure that the petitioner does not fall in the company of bad elements and in case he is found in getting involved in any crime the same will be reported to the jurisdictional police station, 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, Sitamarhi in connection with J.J. Board Case No. 1527 of 2021 arising out of Sonbarsa P.S. Case No. 206 of 2021.

Subject to condition that one of the sureties shall be



the mother of the petitioner who will also furnish an undertaking that if released on bail the petitioner shall not be allowed to indulge in any unlawful act and all care will be taken that he does not fall in the company of anti-social elements and in case the petitioner indulges in any unlawful act, she will inform it to the jurisdictional police station.

And it is further ordered that the Probation Officer attached to the Juvenile Justice Board, Sitamarhi shall keep a vigil over the petitioner and will be submitting his periodical reports to the Juvenile Justice Board as regards the conduct of the petitioner.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

