

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.349 of 2021

Arising Out of PS. Case No.-252 Year-2020 Thana- DIGHWARA District- Saran

XXX, S/O Md. Abbas Ansari, R/O Village Molnapur, P.S-Bheldi, District-Saran under the natural guardianship of Md. Abbas Ansari.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Chaudhary, Sr. Advocate
For the Respondent/s : Mr. Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 12-07-2022 Heard learned Senior Counsel for the petitioner and
Mr. Parmanand Kumar, learned A.P.P. for the State.

This revision application is directed against the order dated 08.02.2021 passed by learned Special Judge, Children Court-cum- 1st Additional Sessions Judge, Saran at Chapra in C.C. No. 02 of 2021/Reg. No. 02 of 2021 whereby and whereunder the prayer for bail of the petitioner has been rejected in connection with Dighwara P.S. Case No. 252 of 2020 registered for the offences punishable under Sections 120(B)/302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has been adjudged juvenile aged about 16 years and 01 month by the Juvenile Justice Board, Saran at Chapra on the alleged date of occurrence and he has remained in the



observation home since 19.10.2020. He has got no criminal antecedent and his father is ready to stand as a surety and furnish an undertaking that if released on bail he will ensure that the petitioner got connected with the studies and does not fall in the company of bad elements and in case the petitioner indulges in any unlawful act, he 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 is not named in the F.I.R., nine persons are named therein and the dead body



of the deceased was recovered under the Sofa from the premises of the father of the deceased, the petitioner has been declared juvenile aged about 16 years and 01 month on the alleged date of occurrence, he has no criminal antecedent, he has remained in the observation home since 19.10.2020, 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 father is ready to stand as a surety and furnish an undertaking that if released on bail he will ensure that the petitioner got connected with the studies and does not fall in the company of bad elements and in case the petitioner is found getting involved in any unlawful act, he will inform it 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 Special Judge, Children Court-cum- 1st Additional Sessions Judge, Saran at Chapra in connection with Dighwara P.S. Case No. 252 of 2020.

Subject to condition that one of the sureties shall be the father of the petitioner who will also furnish an undertaking



as stated hereinabove.

And it is further ordered that the Probation Officer attached to the Juvenile Justice Board, Saran at Chapra 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'.

