

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.206 of 2022

Arising Out of PS. Case No.-240 Year-2019 Thana- BRAHMPURA District- Muzaffarpur

XXX, Son Of Laxman Bhagat, R/O Mohalla- Krishna Toli, Brahmpura, P.S.-
Brahmpura, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Manoj, Advocate

For the Respondent/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 01-09-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner in the present case is seeking setting aside of the impugned judgment dated 18.12.2021 passed by Additional District and Sessions Judge-I, Muzaffarpur in Cr. Appeal No.08/2021 and to enlarge the petitioner on bail in connection with Brahmpura P.S. Case No.240 of 2019 registered for the offence under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has been declared juvenile aged about 17 years 2 months on the alleged date of occurrence. The petitioner is in observation home since 01.06.2020 and his father is ready to stand as surety and give 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.

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

Having regard to the submission that the petitioner has been adjudged juvenile aged about 17 years 2 months on the alleged date of occurrence, out of 10 cases reported against him most of which have been lodged according to learned counsel after the date of the alleged occurrence in this case, the petitioner has been exonerated in four cases, he is in custody since 01.06.2020 in this case and at this stage his father is ready to stand as surety and 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 and further considering the spirit of Section 12 of the 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. Vs. 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 judgment 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, Muzaffarpur in connection with Brahmpura P.S. Case No.240 of 2019.

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, Muzaffarpur 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'.

