

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.242 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- KAJRA District- Lakhisarai

1. (XXX) Under The Gaurdian Ship Of Their Maternal Uncle Dharmendra Kumar Aged About 32 Years (Male) Son Of Nago Mahto Vill.- Bardih, P.S.- Sikandra, District- Jamui. R/O Village- Ramtaliganj, P.S.- Kajra, District- Lakhisarai
2. (YYY) Under The Gaurdian Ship Of Their Maternal Uncle Dharmendra Kumar Aged About 32 Years (Male) Son Of Nago Mahto Vill.- Bardih, P.S.- Sikandra, District- Jamui. R/O Village- Ramtaliganj, P.S.- Kajra, District- Lakhisarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate

For the Respondent/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-07-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by the Stamp Reporter in course of the day.

Heard learned counsel for the petitioners and Mr. Ram Bilash Roy Raman, learned APP for the State.

This revision application is directed against the order dated 13.01.2022 passed by learned Additional District & Sessions Judge, 1st-cum-Special Judge, Lakhisarai in Cr. Appeal No. 33 of 2021 whereby and whereunder the order dated 14.12.2021 rejecting the prayer for bail of the petitioners passed by learned Juvenile Justice Board, Lakhisarai in Kajra P.S. Case No. 52 of 2021 registered for the offence punishable under



Sections 147, 149, 324, 325, 326, 302, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act has been affirmed.

The petitioners in this case are juvenile aged about 16 years 3 months on the alleged date of occurrence i.e. 27.06.2021. The allegations in the FIR are against 15 named persons including these petitioners and 7 unknown persons.

Mr. Raman, learned APP for the State does not dispute that there is no specific allegation against the petitioners. They have no criminal antecedent and have remained in the observation home since 28.06.2021.

Their maternal uncle who has moved this application on their behalf is ready to stand as a surety and to furnish an undertaking that if released on bail he would ensure that the petitioners do not fall in bad company and they get connected with the mainstream of the society.

In the facts and circumstances of the case as noted above, considering that their maternal uncle is ready to stand as surety and give an undertaking that if released on bail, the petitioners shall not be allowed to come in contact of any bad element and in case the petitioners indulges in any unlawful act, he will inform it to the jurisdictional police station as also



following 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 petitioners 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, Lakhisarai in connection with Kajra P.S. Case No. 52 of 2021.

One of the sureties should be the maternal uncle of the petitioners and he will also furnish an undertaking that if released on bail, the petitioners shall not be allowed to come in contact of any bad element and in case the petitioners 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 petitioners and shall submit periodical report to the Juvenile Justice Board, Lakhisarai as regards the conduct of the petitioners. If anything adverse is found against the petitioners, 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'.

