

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.270 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- EKMA District- Saran

(XXX) S/O Madhu Sudan Singh R/o village- Chetan Chapra, P.S.- Baniyapur,
District- Saran (Petitioner-Appellant) Petitioner, under guardianship of his
Mother Shobha Devi, W/o Madhu Sudan Singh, R/o village- Chetan Chapra,
P.S.- Baniyapur, District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anant Kumar Bhaskar, Advocate
For the State : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-09-2022 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking setting aside of the judgment dated 22.02.2022 passed by learned 1st Additional Sessions Judge, Saran at Chapra in Cr. (Juvenile) Appeal No. 4 of 2022 whereby and whereunder the order dated 04.01.2022 rejecting the prayer for bail of the petitioner passed by learned Juvenile Justice Board, Chapra in J.J.B. Case No. 1011 of 2022 arising out of Ekma P.S. Case No. 295 of 2021 registered for the offence punishable under Sections 147, 148, 149, 307, 302, 379 of the Indian Penal Code and Section 27 of the Arms Act has been affirmed.

Learned counsel for the petitioner submits that the petitioner is a juvenile. It is submitted that there is no allegation



of commission of any overt act against the petitioner. The petitioner has no criminal antecedent.

Learned counsel submits that the mother of the petitioner is ready to stand as a surety and to furnish an undertaking that if released on bail, she would ensure that the petitioner does not fall in bad company and he gets connected with the mainstream of the society and in case the petitioner indulges in any unlawful act, she will inform it to the jurisdictional police station.

Learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted from the social investigation report that neighbours of the petitioner have not complained against his behaviour rather they have said that he maintains good behaviour and is interested in studies.

Having regard to the facts and circumstances of the case from which it seems that the petitioner is though named in the FIR but there is no allegation of commission of overt act against him, he has been found juvenile and the case is pending in the Children Court but the evidence has not begun, he was also engaged in studies and the social investigation report shows that the neighbours have not complained against his behaviour rather they have said that the petitioner maintains good



behaviour and is interested in studies, he has otherwise no criminal antecedent and his mother is ready to stand as a surety and furnish an undertaking that if released on bail, she would ensure that the petitioner does not fall in bad company and he gets connected with the mainstream of the society and in case the petitioner indulges in any unlawful act, she will inform it to the jurisdictional police station as also the six of the co-accused have been granted bail by different Benches of this Court, keeping in view 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 judgment and directs release of the petitioner 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, Chapra in connection with J.J.B. Case No. 1011 of 2022 arising out of Ekma P.S. Case No. 295 of 2021.

One of the sureties should be the mother of the petitioner and she will also furnish an undertaking that if released on bail, she would ensure that the petitioner does not fall in bad company and he gets connected with the mainstream of the society and in case the petitioner indulges in any unlawful act, she 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, Chapra 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'.

