

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.303 of 2022

Arising Out of PS. Case No.-255 Year-2021 Thana- RAJAOLI District- Nawada

(XXX) S/o Pramod Yadav @ Pramodh Kumar Under the guardianship of his natural father namely Pramod Yadav @ Pramodh Kumar, S/o Suresh Prasad), both are residents of the village- Chakrawa, Post- Telari, P.S.- Atri Kumar, District- Gaya, Pincode- 813311.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Advocate
For the State : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 12-09-2022 A supplementary affidavit has been filed on behalf of the petitioner.

Let it be taken on the record.

Learned counsel for the petitioner submits that the petitioner has filed an application seeking certified copy of the impugned order passed by the Juvenile Justice Board, Nawada was applied for but the same has been refused on the ground that the reason for which the certified copy is required is not stated.

In the aforesaid view of the matter, this Court ignores defect no. 6(1).

Learned counsel submits that defect no. 6(2) has already been removed.

This revision application is directed against the



judgment dated 31.03.2022 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (Children's Court), Nawada in Cr. Appeal (Juvenile) Case No. 40 of 2021 whereby and whereunder the order dated 30.11.2021 rejecting the prayer for bail of the petitioner passed by learned Juvenile Justice Board, Nawada in Rajauli P.S. Case No. 255 of 2021 registered for the offences punishable under Sections 419, 420, 467, 468, 120(B), 399 and 402 of the Indian Penal Code has been affirmed.

Learned counsel for the petitioner submits that the petitioner in this case is a juvenile aged about 17 years 9 months on the alleged date of occurrence. It is submitted that the petitioner is interested in studies and he has remained in the observation home since 02.06.2021.

Learned counsel for the petitioner submits that the father of the petitioner is ready to stand as a surety and to furnish an undertaking that if released on bail he would ensure that the petitioner does not fall in any bad company and he gets connected with the mainstream of the society.

Mr. Akhileshwar Dayal, learned APP for the State has though opposed the prayer for bail of the petitioner but the social investigation report does not show any adverse



information against the petitioner and his neighbours have not made any complaint against him.

Having regard to the submission that the petitioner is a juvenile aged about 17 years 9 months on the alleged date of occurrence, he has passed his matriculation examination and according to his neighbours the juvenile is interested in studies and because of his friendships with some persons, he got involved in the present case, he has already remained in the observation home/safety home since 02.06.2021, 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 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, Nawada in connection with Rajauli P.S. Case No. 255 of 2021.

One of the sureties should be the father of the petitioner and he will also furnish an undertaking that if released on bail he 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, 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, Nawada 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'.

