

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.292 of 2022**

Arising Out of PS. Case No.-181 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

XXX son of Upendra Kora Through His Father And Natural Guardian
Namely Upendra Kora, R/O Village- Bariyasan, P.S.- Piri Bazar, District-
Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party : Mr. Md. Fahimuddin, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 29-09-2022 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case has been juvenile
about 17 years 8 months. He has got one criminal antecedents.

The petitioner in the present case is seeking setting
aside of the order dated 30.03.2022 passed by learned Additional
District and Sessions Judge I-cum-Special Judge, Lakhisarai in Cr.
Appeal No. 05 of 2022 whereby and whereunder order rejecting
bail by learned Juvenile Justice Board, Lakhisarai in Piri Bazar
P.S. Case No. 181 of 2021 (G.R.No. 1841 of 2021) registered
under Section 392 IPC and chargesheet has been submitted under
Sections 395/412 of the Indian Penal Code has been affirmed.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R. and his name has transpired in
the confessional statement of the co-accused Sittu Kumar from



whose possession one motorcycle has been seized.

Learned counsel further submits that this petitioner has not actively participated in the alleged occurrence. Further the social investigation report does not indicate any adverse material against him. The Probation Officer has recorded that his neighbours do not complaint against this petitioner and petitioner seems to be interested in studies. At this stage, it is submitted that the father of the petitioner shall furnish undertaking and surety. If released on bail he will ensure that the petitioner does not fall in bad company and in case the petitioner is found getting involved in any unlawful act the same will be reported to the jurisdictional police station.

Learned APP for the State having gone through the case diary and the social investigation report does not dispute that in the social investigation report, there is no adverse material against the petitioner save and except that he seems to have fallen in the company of some bad friends. It is not in dispute that the Probation Officer has recorded that the petitioner is interested in study and his neighbour had not made any complaint against him.

Having regard to the facts and circumstances of the case and the submission noted hereinabove as also the father of the petitioner is ready to stand as a surety and furnish an undertaking that if released on bail he will take care of the study of the



petitioner and shall ensure that he does not fall in bad company and in case the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station as also following 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 order 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, Lakhisarai in connection with Piri Bazar P.S. Case No. 181 of 2021 (G.R. No. 1841/2021) .

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, Lakhisarai 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Annu/Avin-

U		T	
---	--	---	--

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'.

