

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.396 of 2021

Arising Out of PS. Case No.-98 Year-2019 Thana- GOPALPUR District- West Champaran

XXX, S/O Guddu Tiwari @ Nishikant Mani Tripathi @ Nishikant Mani Tiwari R/O Village Ghogha, P.S Gopalpur, District West Champaran Through His Father Natural Guardian Namely Guddu Tiwari @ Nishikant Mani Tripathi @ Nishikant Mani Tiwari, Aged 42 Years, Male, S/O Madhav Mani Tripathi R/O Ghogha, Mohchhi Sughar, P.S-Gopalpur, District-West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Respondent/s : Mr.Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 12-07-2022 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

This revision application is directed against the order dated 19.10.2020 passed by learned Additional Sessions Judge-VIII, Bettiah, West Champaran in Cr. Appeal No. 12 of 2020 whereby and whereunder the order dated 13.02.2020 rejecting bail of the petitioner by learned Juvenile Justice Board, Bettiah in J.J. Board Case No. 537 of 2020 arising out of Gopalpur P.S. Case No.98 of 2019 registered for the offences punishable under Sections 413,414/34 of the Indian Penal Code has been affirmed.

Learned counsel for the petitioner submits that the petitioner has been declared juvenile by the Juvenile Justice



Board, Bettiah aged about 15 years, 25 days on the alleged date of occurrence. He has remained in the observation home since 24.10.2019 and his father is ready to stand as a surety and furnish an undertaking that if released on bail the petitioner shall not be allowed to indulge in any unlawful act and all care will be taken that he does not fall in the company of anti-social elements and in case the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station.

It is further submitted that in the case of **Lalu Kumar and Ors. versus The State of Bihar** reported in **2019 (4) PLJR 833** the Hon'ble Division Bench of this Court in paragraph '84' of the judgment has carved out three exceptions in which prayer for bail of a juvenile may be denied which are 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 physiology danger; and

(ii) The release would defeat the ends of justice.”

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

Having regard to the submissions and the materials available on the record showing that the name of the petitioner has transpired in the confessional statement of the co-accused, there is



no recovery of motorcycle from his house and he has been named as a member of the gang who used to steal and snatched the motorcycle but in this connection he has remained in the observation home since 24.10.2019, he has been found aged about 15 years, 25 days on the alleged date of occurrence and as regards the six criminal antecedents it is stated that in two of them Police have submitted final form whereas in three other cases the petitioner is on bail and in one, his application is still pending, his father is ready to stand as a surety and furnish an undertaking that if released on bail he will ensure that the petitioner got connected with the studies and does not fall in the company of bad elements and in case the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station, keeping in view the spirit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and keeping in view the exceptions carved out by the Hon'ble Division Bench of this Court in the case of **Lalu Kumar (supra)** as also his father is ready to stand as a surety and furnish an undertaking that if released on bail he would ensure that the petitioner does not get involved in commission of any crime and he would further ensure that the petitioner is found involved in any offence thereafter, he will immediately report to the jurisdictional police station, this Court sets aside the impugned order 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 Additional Sessions Judge-VIII, Bettiah, West Champaran in connection with J.J. Board Case No. 537 of 2020 arising out of Gopalpur P.S. Case No.98 of 2019.

And further condition that one of the sureties shall be the father of the petitioner who will also furnish an undertaking that if released on bail the petitioner shall not be allowed to indulge in any unlawful act and all care will be taken that he does not fall in the company of anti-social elements and in case the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station.

And it is further ordered that the Probation Officer attached to the Juvenile Justice Board, Bettiah shall keep a vigil over the petitioner and will be submitting his periodical reports to the Juvenile Justice Board as regards the conduct of the petitioner.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

