

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.291 of 2022

Arising Out of PS. Case No.-439 Year-2021 Thana- MANJHI District- Saran

XXX Son Of Shiv Kumar Yadav @ Sheo Kumar Yadav Resident Of Village-
Mubarakpur, P.S.- Manjhi, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s	:	Mr. Lakshmindra Kumar Yadav, Advocate
For the Respondent/s	:	Mr. Dinesh Singh, APP
For the Informant	:	Mr. Ravi Prakash Dwivedi, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 06-09-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

This revision application is directed against the order/judgment dated 04.04.2022 passed by learned 1st Additional Sessions Judge-cum-Children Court, Saran at Chapra in Cr. Appeal No. 13 of 2022 whereby and whereunder the order dated 22.02.2022 rejecting the prayer for bail of the petitioner passed by learned Juvenile Justice Board, Saran at Chapra in J.J.B. No. 1452 of 2022 arising out of Manjhi P.S. Case No. 439 of 2021 registered for the offences punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act, later on Section 302 of the Indian Penal Code was also added has been affirmed.

Learned counsel for the petitioner submits that the



petitioner is a juvenile aged about 17 years 8 months on the alleged date of occurrence. It is submitted that there is no specific allegation of commission of any overt act against the petitioner. It is further submitted that the petitioner is pursuing his studies.

Learned counsel 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 bad company and he gets connected with the mainstream of the society.

Learned APP for the State and learned counsel for the informant have 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 facts and circumstances of the case wherein this Court has noticed that the petitioner has been declared juvenile aged about 17 years 8 months, in the first information report there is no specific allegation of commission of overt act against him and the social investigation report does not have any adverse information against the petitioner, his behavioural conduct was found to be normal and the neighbours



have not made any complaint against him, he has passed matriculation examination and is said to be engaged in studies, further he has no criminal antecedent, considering 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/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, Saran at Chapra in connection with Manjhi P.S. Case No. 439 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, 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, Saran at 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'.

