

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.300 of 2022

Arising Out of PS. Case No.-751 Year-2020 Thana- KHAJANCHI HAT District- Purnia

(XXX) S/o Vijay Yadav Under legal Guardianship of his father Vijay Yadav
Resident of Village- Chakmaka, WardNo.3, P.S.- Jankinagar, Dist- Purnea.
... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the Respondent/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-09-2022 Heard learned counsel for the petitioner and Ms. Anita Kumari, learned APP for the State.

The petitioner in the present case is seeking setting aside of the order dated 31.03.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Juvenile Court, Purnea in Special Kishor Case No. 04 of 2022/ CIS No. 05 of 2022 arising out of K. Hat P.S. Case No. 751 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 302, 324, 307 of the Indian Penal Code and Section 27 of the Arms Act whereby and whereunder the prayer for bail of the petitioner was rejected.

Learned counsel for the petitioner submits that the petitioner is a juvenile aged about 16 years 10 months 10 days on the alleged date of occurrence. It is submitted that there is no allegation of commission of any overt act against the petitioner. The petitioner has remained in observation home in the present case since 23.11.2021.



Learned APP for the State has though opposed the prayer for bail of the petitioner but the social investigation report of the petitioner indicates that the petitioner is involved in studies and has no criminal antecedent.

Having regard to the submissions and the fact that the petitioner is a juvenile aged about 16 years 10 months 10 days on the alleged date of occurrence, there is no allegation of commission of any overt act and he is said to be a student involved in studies and the learned APP for the State has submitted that the social investigation report of the petitioner does indicate that he is involved in studies, he has otherwise no criminal antecedent and has remained in observation home since 23.11.2021 and at this stage his father is ready to stand as a surety and to 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 as also following 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 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 1st Additional Sessions Judge-cum-Special Juvenile Court, Purnea in connection with K.Hat P.S. Case No. 751 of 2020.

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, Purnea 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'.

