

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.347 of 2021**

Arising Out of PS. Case No.-627 Year-2018 Thana- RUNISAIDPUR District- Sitamarhi

XXX, Son of Late Bipin Singh @ Bipin Kumar Singh, Resident of Village -  
Mahesha Farakpur, P.S.- Mahindwara, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

|                      |   |                                                           |
|----------------------|---|-----------------------------------------------------------|
| For the Petitioner/s | : | Mr.Pushpendra Kumar Singh, Adv.<br>Ms. Divya Bharti, Adv. |
| For the Respondent/s | : | Mr.Akhileshwar Dayal, APP                                 |

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

4      12-07-2022                      Heard learned counsel for the petitioner and learned APP  
for the State.

Petitioner in the present case is seeking setting aside of the  
impugned judgment dated 31.03.2021 passed by learned 1<sup>st</sup>  
Additional Sessions Judge-cum-Special Judge, Children's Court,  
Sitamarhi in Cr.Appeal No.07 of 2021/Registration No.08 of 2021  
whereby and whereunder the learned 1<sup>st</sup> Additional Sessions Judge-  
cum-Special Judge, Children's Court has been pleased to dismiss the  
appeal filed by the petitioner and affirmed the order dated 22.10.2020  
passed by the learned Juvenile Justice Board, Sitamarhi in J.J. Board  
Case No.497 of 2020 arising out of Runnisaidpur P.S. Case No.627  
of 2018 registered for the offences under Section 394 of the Indian  
Penal Code and Section 27 of the Arms Act by which prayer for bail  
of the petitioner has been rejected.



As per the prosecution story, the informant is an Assistant Manager of M/S D.P. Service Station, Garha Petrol Pump. On 20.10.2018 at about 10.35 am, on the order of his manager, he along with his staff Amod Rai were going to deposit cash Rs.6,64,600/- with cheque of Rs.9,95,000/- and vouchers which were kept in a bag via NH-77 and when they reached near the Central Bank of India, all of a sudden, four unknown miscreants on two motorcycles came there and started firing in the air. It is alleged that one of the miscreants assaulted the informant on his chin with the butt of the pistol and looted away his bag containing the said cash, cheque and vouchers and fled away.

Learned counsel for the petitioner submits that the petitioner has been declared juvenile aged about 16 years 9 months on the alleged date of occurrence. The petitioner is in observation home since 16.03.2019 and his mother is ready to stand as surety and give 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, she 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 submission that the name of the petitioner has transpired in this case in course of investigation, he has not been put on Test Identification Parade and has been declared juvenile aged about 16 years 9 months on the alleged date of occurrence as also that he has remained in the observation home since 16.03.2019 and the Court has been informed that till date the trial has not begun, 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 keeping in view that his mother is ready to stand as surety and furnish an undertaking that if released on bail she will ensure that the petitioner does not fall in bad company and in case he is found getting involved in bad company and in the commission of crime the same will be brought to the notice of 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 Juvenile Justice Board, Sitamarhi in connection with J.J. Board Case No.497 of 2020 arising out of Runnisaipur P.S. Case No.627 of 2018. One of the sureties should be the mother of the petitioner and she 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, she 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, Sitamarhi 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'.

