

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.316 of 2022**

Arising Out of PS. Case No.-113 Year-2021 Thana- AWTARNAGAR District- Saran

(XXX) S/O Ajeet Kumar R/O Village- Kazipur, P.S.- Doriganj, District- Saran, Under Guardianship Of His Father Ajeet Kumar, S/O Chhabila Rawat, R/O Village- Kazipur, P.S.- Dogiganj, District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Anant Kumar Bhaskar, Advocate  
For the State : Mr. Mritunjay Kumar Nirala, APP

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

3      18-07-2022                      Heard learned counsel for the petitioner and Mr. Mritunjay Kumar Nirala, learned APP for the State.

This revision application is directed against the order dated 24.03.2022 passed by learned 1<sup>st</sup> Additional Sessions Judge-cum-Children Court, Saran at Chapra in Cr. Appeal No. 42 of 2021 whereby and whereunder the order dated 08.10.2021 rejecting the prayer for bail of the petitioner passed by learned Juvenile Justice Board, Chapra in J.J.B. Case No. 1063 of 2021 arising out of Awatarnagar P.S. Case No. 113 of 2021 registered for the offences punishable under Sections 365, 302, 201, 120B of the Indian Penal Code has been affirmed.

Learned counsel for the petitioner submits that as per the first information report the informant's father went to purchase vegetables but did not return till night and his mobile was also found switched off. The FIR was registered against unknown.



Learned counsel submits that the petitioner in this case is a juvenile whose date of birth is 24.04.2005 as per the school records. The petitioner has remained in observation home since 20.03.2021. It is submitted 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 do not fall in bad company and he gets connected with the mainstream of the society.

Mr. Nirala, 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 petitioner has been adjudged juvenile on the alleged date of occurrence, 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 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, Chapra in connection with JJB Case No. 1063 of 2021 arising out of Awatarnagar P.S. Case No. 113 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, 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'.

