

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.391 of 2022**

Arising Out of PS. Case No.-581 Year-2021 Thana- GAYA MUFASIL District- Gaya

XXX SON OF DABLU SINGH @ DABLOO SINGH THROUGH HIS
FATHER AND NATURAL GUARDIAN, NAMELY DABLU SINGH @
DABLOO SINGH, R/O VILLAGE- SAMBE, P.S.- WARISALIGANJ,
DISTRICT- NAWADA

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Akhileshwar Dayal, APP

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

4 13-09-2022 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking setting aside
of the judgment dated 12.05.2022 passed by the learned 1st
Additional Sessions Judge-cum-Children's Court, Gaya in
Juvenile Appeal No. 6 of 2022 by which the learned Children's
Court has been pleased to refuse the prayer for bail of the
petitioner affirming the order dated 10.03.2022 of the learned
Juvenile Justice Board, Gaya passed in GR No. 5591 of 2021,
Misc. 37 of 2022 arising out of Mufassil P.S. Case No. 581/21.

Learned counsel for the petitioner submits that this
petitioner has been adjudged juvenile aged about 13 years 10
months 02 days on the alleged date of occurrence. It is further
submitted that at the instance of the petitioner, the co-accused



Shubham had made available the mobile phone to the another co-accused Raushan Kumar.

Learned counsel submits that the father of the petitioner is ready to stand as a surety and to 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, he will inform it to the jurisdictional police station.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but has submitted from the social investigation report that the petitioner is unable to understand the impact of his crime.

Having regard to the submissions and the materials placed before this Court showing that this petitioner has been adjudged juvenile aged about 13 years 10 months 02 days and in paragraph '5' it is described that the only material which has come against the petitioner is that at his instance the co-accused Shubham had made available the mobile phone to the another co-accused Raushan Kumar, further that the social investigation report says that the petitioner is unable to understand the impact of his crime at this age and further that the petitioner has no criminal antecedent and his father is ready to stand as a surety



and to 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, he will inform it to the jurisdictional police station as also following the spirit of Section 12 of the 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 physiology 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, Gaya in connection with GR No. 5591 of 2021, Misc. 37 of 2022 arising out of Mufassil P.S.



Case No. 581/21.

One of the sureties shall 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, Gaya 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.

This 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'.

