

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.418 of 2022

Arising Out of PS. Case No.-55 Year-2021 Thana- BANIAPUR District- Saran

(XXX) S/O Lalit Kumar R/O Village- Hariharpur, P.S.- Baniyapur, District- Saran at Chapra, under the legal guardianship of his natural Father.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s : Mr. Aditya Narayan Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 10-10-2022 Heard learned counsel for the petitioner and Mr. Aditya Narayan Singh No. 1, learned APP for the State.

This revision application is directed against the order dated 25.05.2022 passed by learned 1st Additional Sessions Judge-cum-Children Court, Saran at Chapra in Cr. (Juvenile) Appeal No. 23 of 2022 whereby and whereunder the order dated 20.04.2022 rejecting the prayer for bail of the petitioner passed by learned Juvenile Justice Board, Saran at Chapra in J.J.B. No. 1733 of 2022, GR No. 1478 of 2021 arising out of Baniyapur P.S. Case No. 55 of 2021 registered for the offence punishable under Sections 302, 34 of the Indian Penal Code and Section 27 of the Arms Act has been affirmed.

Learned counsel for the petitioner submits that the petitioner in this case has been adjudged juvenile aged 15 years 1 months 8 days on the alleged date of occurrence. It is



submitted that the name of the petitioner has transpired in the confessional statement of the co-accused Ankit Kumar who has already been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 3875 of 2022.

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 will not allow the petitioner to fall in bad company and will keep him engaged in studies and in case the petitioner is found getting engaged in any unlawful act, the same will be reported to the nearest police station.

Learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted from the social investigation report that the petitioner is interested in studies.

Having regard to the submission that on the alleged date of occurrence this petitioner was aged 15 years 1 month and 8 days (below 16 years), in this case his name has transpired in the confessional statement of co-accused Ankit Kumar who has been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 3875 of 2022, the petitioner has passed intermediate examination and was looking for his admission in B.Tech course and the social investigation report is also



indicating that he is interested in studies, his father is ready to stand as a surety and furnish an undertaking that if released on bail he will not allow the petitioner to fall in bad company and will keep him engaged in studies and in case the petitioner is found getting engaged in any unlawful act, the same will be reported to the nearest police station, 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, Saran at Chapra in connection



with J.J.B. Case No. 1733 of 2022, G.R. No. 1478 of 2021 arising out of Baniyapur P.S. Case No. 55 of 2021.

One of the sureties should be the father of the petitioner and furnish an undertaking that if released on bail he will not allow the petitioner to fall in bad company and will keep him engaged in studies and in case the petitioner is found getting engaged in any unlawful act, the same will be reported to the nearest 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'.

