

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.415 of 2022**

Arising Out of PS. Case No.-156 Year-2021 Thana- UCHKAGAON District- Gopalganj

(XXX) Son Of Ramashis Prasad Under The Guardianship Of His Father
Namely Ramashis Prasad, R/O Village-Maksudpur, P.S.- Uchakagaon,
District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate
For the Respondent/s : Mr. Md. Fahimuddin, APP

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

4 10-10-2022 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

This revision application is directed against the order dated 25.04.2022 passed by learned Additional Sessions Judge, 1st-cum-Child Court, Gopalganj in Cr. Appeal No. 18 of 2022 whereby and whereunder the order dated 14.02.2022 rejecting the prayer for bail of the petitioner passed by learned Juvenile Justice Board, Gopalganj in J.J.B. No. 124 of 2021, GR No. 1964 of 2021 arising out of Uchakagaon P.S. Case No. 156 of 2021 registered for the offence punishable under Sections 341, 323, 324, 504, 302/34 of the Indian Penal Code has been affirmed.

Learned counsel for the petitioner submits that the petitioner in this case has been adjudged juvenile aged about 15



years 5 months 9 days on the alleged date of occurrence. It is submitted that the petitioner has no criminal antecedent and has remained in custody since 09.07.2021.

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 and there is no complaint against his behavioural pattern.

Having regard to the submissions that the petitioner has been found aged about 15 years 5 months and 9 days (less than 16 years) on the alleged date of occurrence, he has no criminal antecedent, the allegations are made not only against the petitioner but other accused also that they had assaulted the deceased but the social investigation report of the petitioner is indicating that he is interested in studies, has no complaint against his behavioural pattern and 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, Gopalganj (Bihar) in connection with J.J.B. Case No. 124 of 2021 arising out of Uchakagaon P.S. Case No. 156 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, Gopalganj 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'.

