

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.540 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- PARIHAR District- Sitamarhi

=====

XXX, Son of Late Upendra Mahto Resident of Village- Rasalpur Ramnagra,
P.S.- Kanhauli, District- Sitamarhi. Under Guardianship of his Mother Janaki
Devi Wife of Late Upendra Mahto, Resident of Village- Rasalpur Ramnagra,
P.S.- Kanhauli, District- Sitamahi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Adv.
For the Respondent/s : Mr.Raj Kishore Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 29-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking setting aside
of the order dated 01.06.2021 passed by learned 1st Additional
Sessions Judge-cum-Special Judge (Children's Court) Sitamarhi
in Cr.Appeal No.01 of 2021 which was preferred against the
order dated 07.10.2020 passed by Juvenile Justice Board,
Sitamarhi in connection with Juvenile Justice Board Case
No.899 of 2020 arising out of Parihar P.S. Case No.23 of 2020
(G.R.No.551 of 2020) registered under Section 394 of the
Indian Penal Code against four unknown miscreants. By the
impugned order(s) the learned Juvenile Justice Board, Sitamarhi
as well as learned 1st Additional Sessions Judge-cum-Special



Judge (Children's Court) Sitamarhi has rejected the prayer for bail of the petitioner. He is in the observation home/safety home since 01.06.2020. The learned Juvenile Justice Board has assessed his age as 17 years 9 months 24 days on the alleged date of occurrence i.e. 10.02.2020.

Learned counsel for the petitioner submits that the petitioner is a juvenile and having remained in the observation home for about two years, he deserves the privilege of bail.

On the other hand, learned APP for the State submits that release of the petitioner on bail would not be in the interest of justice. It would also expose him to the danger of his coming in contact with criminals and that may pose danger to his life as well. Learned APP has drawn the attention of this Court towards the four criminal antecedents of the petitioner which are of serious nature and it is submitted that had the petitioner been kept in the observation home when he was found involved for the first time in commission of offence under Sections 379, 420 and 506/34 of the Indian Penal Code, it would have been in his interest and he could have been saved from getting involved in the other cases which are at serial nos. 2, 3 and 4 in paragraph '3'. These cases are of serious nature including one under Section 302/34 I.P.C. read with Section 27 of the Arms Act.



Learned APP submits that in the case of **Lalu Kumar and Ors. Vs. The State of Bihar** reported in **2019(4) PLJR 833** in paragraph '84' of the judgment the Hon'ble Division Bench of this Court has carved out three exceptions in which prayer for bail of a juvenile may be denied. According to him, the case of the petitioner falls under at least two of the exceptions carved out by the Hon'ble Division Bench of this Court.

Having heard learned counsel for the petitioner and learned APP for the State as also on perusal of the records, this Court agrees with the submissions made on behalf of the State. It appears that the petitioner has got involved in four cases one after another while he was released on bail during the period 2019 and 2020. This Court has also come to know that the father of the petitioner is dead and he is not in control of his mother and he seems to have fallen in bad company.

Keeping in view the exceptions carved out by the Hon'ble Division Bench of this Court in the case of **Lalu Kumar & Ors.** (supra) and on finding that the grant of privilege of bail to the petitioner would not be in the interest of justice and it may also expose him to the other dangers, this Court is not inclined to interfere with the impugned order.



This revision application is dismissed.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

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'.

