

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.580 of 2021

Arising Out of PS. Case No.-271 Year-2017 Thana- BEGUSARAI TOWN District- Begusarai

XXX, Son of Sanjeev Kumar Aged about (D.O.B 16.02.2000) Minor, Gender - Male, Resident of Village- Badalpura, P.S.- Matihani, District - Begusarai, represented through his natural guardian (father) namely Sanjeev Kumar aged about 46 years (Male) Son of Ram Prasad singh, Resident of Village - Badalpura, P.S.- Matihani, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar, Adv.

For the Respondent/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-07-2022 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

Petitioner, in the present case, is seeking setting aside of the impugned judgment dated 29.07.2021 passed in Cr.Appeal No.18/2021 by the learned Additional Sessions Judge-Ist-cum-P.O., Children Court, Begusarai by which the learned Sessions Judge has been pleased to affirm the order dated 08.03.2021 passed by the learned Principal Magistrate, Juvenile Justice Board, Begusarai whereby the prayer for bail of the petitioner has been rejected in connection with J.J.B. Case No.42/2021 arising out of Nagar P.S. Case No.271/2017 registered for the offence under Section 302/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that on a bare perusal of the First Information Report it will appear that in course



of a scuffle over the alleged eve-teasing by the deceased with the sister of the petitioner, this occurrence has taken place. Learned counsel submits that in course of investigation it has transpired that the role of one Rahul Kumar who is a constable in Bihar Police and neighbour of the deceased is suspicious. It is said Rahul Kumar who had taken the deceased on his motorcycle, he has got lodged the First Information Report through his own brother in which he has become an eye witness by falsely implicating this petitioner. It is submitted that even in the supervision note some suspicion has been raised against the role of the said constable. He had come to his village without taking leave.

Learned counsel submits that in any case the petitioner is not a hardened criminal and the social investigation report is not indicating anything adverse against him. His father is ready to stand as a surety and furnish an undertaking that if released on bail he will ensure that the petitioner does not fall in the bad company.

Learned counsel has further relied upon a judgment of the Hon'ble Division of this Court in the case of **Lalu Kumar and Ors. Vs. The State of Bihar** reported in **2019(4) PLJR 833** to submit that keeping in view the spirit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, an application for bail is not decided by reference to classification of offences, as bailable or non-bailable under the Cr.P.C. It is submitted that the



Hon'ble Division Bench has held that all persons alleged to be in conflict with law and apparently a child when apprehended must be released except in the three circumstances which are 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.”

Learned APP for the State has though opposed the prayer for bail of the petitioner, considering that he is a juvenile, though aged above 16 years but the materials showing suspicion against Rahul Kumar and his brother is said to be informant in this case, the social investigation report is not indicating anything adverse against him and his father is ready to stand as a surety and submit an undertaking that if released on bail, he will ensure that the petitioner does not fall in the bad company and in case the petitioner is found getting involved in any offence, he will bring it to the notice of the nearest police station as also following the Hon'ble Division Bench judgment of this Court in the case of **Lalu Kumar** (supra), 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, Begusarai in connection with J.J.B.



Case No.42/2021 arising out of Nagar P.S. Case No.271/2017. 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, Begusarai 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'.

