

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.651 of 2021**

Arising Out of PS. Case No.-63 Year-2014 Thana- KURTHA District- Jehanabad

CHHOTU @ NAGA @ RAVI RANJAN KUMAR S/O RAJ KISHORE
SHARMA R/o village- Orbiga, P.S.- Bansi, District- Arwal, under
Guardianship of his father namely Raj Kishore Sharma

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Respondent/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

3 22-04-2022 Heard learned counsel for the petitioner and the State
through virtual mode.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

This Criminal Revision has been preferred against the
judgment dated 24-02-2021 passed by the learned Addl.
Sessions Judge-Ist, Jehanabad in Criminal (Juvenile) Appeal
No. 01 of 2021/ 01 of 2021, whereby and where under the
learned Addl. Sessions Judge-Ist, Jehanabad has affirmed the
order dated 16-12-2020 passed by the Juvenile Justice Board,
Jehanabad/Arwal in Kurtha (Manikpur O.P.), P.S. Case No. 63
of 2014, G.R. No. 833 of 2014, Enquiry No. 334



(J)/2020/323(J)/2021 whereby Juvenile Justice Board, Jehanabad/Arwal has rejected the prayer for bail of the petitioner in connection with Kurtha (Manikpur O.P.), P.S. Case No. 63 of 2014, registered under Sections 302, 307, 326(A), 379/34 of the Indian Penal Code.

Prosecution case in short is that on 11-04-2014 at about 2.00 p.m. the informant Ribha Kumari aged about 18 years was returning from Kuertha bazar along with her sister who was walking ahead and they reached near Khatangi Surya Mandir, and she was busy talking to her fiance Devendra Kumar on mobile, with whom she was going to be married on 19-04-2014. It is alleged that all of a sudden, two unknown persons came there and snatched her mobile phone which was given to her by Devendra Kumar, and thereafter, they poured Acid on her body, as a result of which, she was badly burnt. She started screaming and when her sister reached near her, both the miscreants fled away.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 06-07-2020 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the FIR. Two unknown persons are alleged to have



poured acid on the face and body of the informant. The name of the petitioner has transpired in this case on the basis of suspicion. It is submitted that the deceased is said to have died after one month of the alleged occurrence. Therefore, death is due to secondary haemorrhage and not primary haemorrhage. The postmortem report of the deceased indicates that the cause of death is infection due to burn. Learned counsel for the petitioner further submits that the **father** of the petitioner is ready to furnish an undertaking that while on bail, **he** will not allow the petitioner to associate with criminals or anti-social elements. The petitioner has relied upon the judgment of *Lalu Kumar and Ors. Vs. The State of Bihar (reported in 2019(4) PLJR 833)* where a Division Bench of this Court while considering the scope of Section 12 of the Juvenile Justice Act, 2015 in paragraph No. 84 of the judgment has observed the following:

84. While interpreting Section 12, the Board is duty bound to be guided by the fundamental principles enumerated in Section 3 of the Act of 2015, specially the principles of ‘best interest’, ‘repatriation’ and ‘restoration’ of child. The fundamental principles in Section 3(xii) provides that a child shall be



placed in institutional care as a step of last resort after making a reasonable inquiry. The gravity and nature of the offence are immaterial for consideration of bail under the Act of 2015. As per Section 12 of the Act of 2015, an application for bail is not decided by reference to classification of offences, as bailable or non-bailable under the Cr. P.C. All persons alleged to be in conflict with law and apparently a child when apprehended must be released except in the following three circumstances when there is reasonable ground for believing that:-

- (i) The released 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 psychological danger; and
- (iii) The release would defeat the ends of justice”.

Learned A.P.P. for the State is present and has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, Social Investigation Report of the petitioner was called for from the concerned Probation Officer. The Probation Officer in



his report has reported that at the time of occurrence, the petitioner was pursuing his studies. His name has transpired in this case on the basis of suspicion. He treats his co-villagers in proper manner. There is no other any objectionable complaint against the petitioner. From perusal of the Social Investigation Report of the petitioner, it appears that there is no apprehension of the petitioner getting into association of any bad society, if released on bail.

The law requires that reasonable grounds should be there for believing that in the event of grant of bail, the petitioner would go into association of any “known criminal” or exposed to moral, physical and psychological danger or the release of the person would defeat the ends of justice. There is no reference of any known criminal nor there is any other substantial material for the conclusion as recorded by the court below.

Considering the facts and circumstances of the case as well as the findings of the Probation Officer in the Social Investigation Report of the petitioner and the proposition of law as stated above, this Criminal Revision Application is allowed and the judgment dated 24-02-2021 passed by the learned Additional Sessions Judge-Ist, Jehanabad and the order dated



16-12-2020 passed by Juvenile Justice Board, Jehanabad/Arwal in connection with Kurtha (Manikpur O.P.) P.S. Case No. 63 of 2014, Enquiry No. 334 of 2020/323(J)/21 are set aside.

Let the petitioner, who has already been declared juvenile by the learned Juvenile Justice Board, be released in favour of father on execution of surety bond of Rs.10,000/- (Ten Thousand) to the satisfaction of learned Juvenile Justice Board, Jehanabad/Arwal in connection with Kurtha (Manikpur O.P.) P.S. Case No. 63 of 2014, Enquiry No. 334 of 2020/323(J)/21 with condition that father of the petitioner shall furnish an undertaking that while the petitioner is on bail, he will not allow the petitioner to come in company/association with any criminal or anti-social elements that he will take proper care of the petitioner. Further the the petitioner will be produced as and when required by the court below and shall cooperate during the trial.

(Sudhir Singh, J)

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