

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.653 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- PIPRAHI District- Sheohar

XXX, Son of Raghvendra Singh @ Bhushan Resident of Village - Tariyani Chapra, P.S. Tariyani Chapra, District - Sheohar, through his father and natural gaurdian Raghvendra Singh @ Bhushan, aged about 56 years, Son of Shivaji singh, Resident of Village - Tariyani Chapra, P.S. Tariyani Chapra, District - Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.
Ms. Divya Bharti, Adv.
For the Respondent/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 22-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is a juvenile aged about 15 years 7 months approximately. He is seeking setting aside of the order dated 25.06.2021 passed by the learned District and Sessions Judge, Sheohar in Cr.Appeal No.03 of 2021 whereby and whereunder the learned Sessions Judge has been pleased to dismiss the appeal filed by the petitioner and affirm the order dated 09.03.2021 passed by the learned Principal Judge, Juvenile Justice Board, Sheohar in JJB Case No.112 of 2021 arising out of Piprahi P.S. Case No.9 of 2021 registered for the offence under Section 394 of the Indian Penal Code and Section 27 of the Arms Act and later on Section 302, 120(B) and 411 of



the Indian Penal Code was also added by which the prayer for bail of the petitioner has been rejected.

Learned counsel for the petitioner submits that the petitioner has been declared juvenile aged about 15 years 7 months approximately on the alleged date of occurrence. Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the co-accused Krishankant Singh @ Kanhai Singh and there is no recovery of any incriminating material from the possession of the petitioner.

Learned counsel further submits that the petitioner is in observation home since 27.01.2021 and his father is ready to stand as surety and give 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.

Mr. Akhileshwar Dayal, learned APP for the State has informed this Court that in the social investigation report there is no adverse material against the petitioner. The Probation Officer has stated that in course of investigation it has transpired that the petitioner has been falsely implicated because of some political rivalry. Learned APP submits that the name of the petitioner has transpired in the confessional statement of the co-



accused Krishankant Singh @ Kanhai Singh.

Having regard to the submissions and the materials showing that the petitioner has been adjudged juvenile aged about 15 years 7 months approximately on the alleged date of occurrence, his name has transpired in the confessional statement of the co-accused Krishankant Singh @ Kanhai Singh, there is no recovery of any incriminating material from the possession of the petitioner and the submissions of the learned APP for the State from the social investigation report as also following 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. Vs. 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, Sheohar in connection with J.J.B. Case No.152 of 2021, G. R.No. 112 of 2021, arising out of Piprahi P.S. Case No.09 of 2021.

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, Sheohar 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'.

