

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.715 of 2021

Arising Out of PS. Case No.-109 Year-2021 Thana- RIGA District- Sitamarhi

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XXX, Resident of Village- Bhutahi, P.S.- Sonebarsa, District- Sitamarhi,
through his father and natural guardian Ajay Kumar Singh aged about-57,
years, Son of Sushil Mahto, Resident of Village- Bhutahi, P.S.- Sonebarsa,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

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

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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
17 years 2 months approximately. He is seeking setting aside of
the order dated 17.09.2021 passed by the learned 1st Additional
Sessions Judge-cum-Special Judge (Children's Court),
Sitamarhi in Cr.Appeal No.23 of 2021 whereby and whereunder
the learned Special Judge has been pleased to reject the appeal
filed by the petitioner and affirm the order dated 05.07.2021
passed by the learned Principal Magistrate, Juvenile Justice
Board, Sitamarhi in J.J. Board Case No.1185 of 2021, arising
out of Riga P.S. Case No.109 of 2021 dated 16.03.2021



registered for the offences under Section 414 of the Indian Penal Code and Sections 25(1-b), 26, 35 of the Arms Act 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 17 years 2 months approximately on the alleged date of occurrence. Learned counsel submits that the petitioner is a student of St. Joseph High School and is doing intermediate programme.

Learned counsel further submits that the petitioner is in observation home since 26.03.2021 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 opposed the prayer for bail of the petitioner but nothing adverse is pointed out from the social investigation report.

Having regard to the submissions and the materials on the record showing that the petitioner has been adjudged juvenile aged about 15 years 7 months approximately on the alleged date of occurrence, he is a student of St. Joseph High School and is doing intermediate programme, there is no adverse reporting in the social investigation report against the



petitioner and his father is ready to stand as surety and furnish 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 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, Sitamarhi in connection with



J.J.B. Case No.1185 of 2021, arising out of Riga P.S. Case No.109 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, Sitamarhi 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'.

