

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.709 of 2021

Arising Out of PS. Case No.-136 Year-2021 Thana- GURUA District- Gaya

XXX, Son of Late Tunnu Miyan Under Guardianship of His mother Mobina Khatun, age about 36 Year, Female, Resident of Village - Dubba, P.S.- Guraru, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Adv.

For the Respondent/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 30-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner in the present case is seeking setting aside of the impugned judgment and order dated 15.09.2021 passed by learned Special Judge (Children Court), Gaya in Criminal Appeal (Juvenile) No.51/2021 (C.I.S.) as well as the order dated 06.08.2021 passed by the learned ACJM-cum-Principal Magistrate, Juvenile Justice Board, Gaya in Misc. Case No.153/2021 whereby and whereunder the prayer for bail of the petitioner has been rejected in connection with Gurua P.S. Case No.136 of 2021 registered for the offences punishable under Sections 387 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner has been adjudged juvenile and has no criminal



antecedent as also his mother is ready to stand as surety and give an undertaking that if released on bail she would ensure that the petitioner does not fall in the bad company and in case it is found that he is getting involved in any offence the same will be reported to the nearest police station.

On the other hand, learned APP for the State has drawn the attention of this Court towards the social investigation report of the petitioner. It is pointed out that as per the Probation Officer's report, the father of this petitioner is no more and this petitioner wants to become a criminal. The Probation Officer has reported that the neighbours of the petitioner are afraid of disclosing anything about the petitioner and even the conduct of the family members of the petitioner is suspicious and indiscipline. The probation Officer has recommended that if the petitioner is released on bail he is likely to fall again in the company of the criminals and anti-social elements and the petitioner requires reformation.

Having regard to the facts and circumstances of the case even though this Court has been normally taking a view to release a juvenile on bail on the undertaking of the parents/guardians but in this case it appears that the institutional care of the petitioner would be in his interest. The social investigation report of the petitioner is an exceptional one which indicates that the petitioner



has a desire to become a criminal, he has matured enough and Probation Officer has stated that if released on bail at this stage he is likely to fall in the company of the criminals and anti-social elements. His father is also no more and in course of argument learned counsel for the petitioner was when called upon to call the maternal uncle who is deponent of this case to take responsibility of the petitioner, he declined to call the maternal uncle of the petitioner who is deponent in this case.

In the circumstances, this Court finds that the impugned order needs no interference at this stage. The revision application is dismissed.

Let the conduct of the petitioner be watched by the Probation Officer and periodical reports as regards his conduct and chances of reformation be submitted to the Juvenile Justice Board. If the enquiry remains incomplete for a period of six months from today, the petitioner may renew his prayer for bail.

(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'.

