

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1076 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

XXX Son of Subash Ram Resident of Village- Maharo, P.S.- Mohania, Dist-
kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Vinod Kumar Seth, Advocate
For the Respondent/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 12-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking setting
aside of the order dated 23.07.2019 passed by learned
Additional Sessions Judge - 1st – cum – Children Court, Special
Judge, Kaimur at Bhabua in connection with Mohania P.S. Case
No. 94/2019/A.C. T.R. No. 07 of 2019 under Section 366A, 34
of the Indian Penal Code.

As per the prosecution story, the informant has
alleged that his daughter has become traceless and in course of
search he learnt from the villagers that the victim was seen
going in the company of the petitioner along with his family
member and on that basis he claimed that petitioner and other
co-accused have kidnapped her daughter to marry her.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner has been adjudged juvenile aged about 17 years two months and 23 days on the alleged date of occurrence and he is in the observation home since 20.01.2019. Learned counsel further submits that his father is ready to stand as a surety and furnish an undertaking that if released on bail he would ensure that the petitioner does not get involved in commission of any crime and he would further ensure that the petitioner is duly involved either in his study or at work and, in case, the petitioner is found involved in any offence hereafter, he will immediately report to the jurisdictional police station.

It is further submitted that in the case of **Lalu Kumar and Ors. versus The State of Bihar** reported in **2019 (4) PLJR 833** the Hon'ble Division Bench of this Court in paragraph '84' of the judgment has carved out three exceptions in which prayer for bail of a juvenile may be denied 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 physiology danger; and
- (ii) The release would defeat the ends of justice.”



Learned A.P.P. for the State has opposed the application for bail of the petitioner.

Having regard to the submissions and the materials available on the record showing that the petitioner has been adjudged juvenile aged about 17 years two months and 23 days on the alleged date of occurrence, he is in the observation home since 20.01.2019 and in the social investigation report it has come that it seems to be a case of love affair between the petitioner and the victim girl, the probation officer says that the petitioner is a boy and interested in study and no complaint has come against him, keeping in view of spirit of section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and keeping in view the exceptions carved out by the Hon'ble Division Bench of this Court in the case of **Lalu Kumar (supra)** as also that his father is ready to stand as a surety and furnish an undertaking that if released on bail he would ensure that the petitioner does not get involved in commission of any crime and he would further ensure that the petitioner is duly involved either in his study or at work and, in case, the petitioner is found involved in any offence hereafter, he will immediately report to the jurisdictional police station, this court sets-aside the impugned judgment 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 Children Court – Additional Sessions Judge - 1st – cum – Special Judge, Kaimur at Bhabua, in connection with Mohania P.S. Case No. 94 of 2019, A.C. T.R. No. 07/2019.

Subject to condition that the one of the sureties shall be the father of the petitioner and will furnish an undertaking as stated hereinabove.

The Probation Officer attached to the Juvenile Justice Board, Kaimur at Bhabua shall keep the vigil over the conduct of the petitioner and shall keep on submitting his periodical report to the Juvenile Justice Board, Kaimur at Bhabua.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

