

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.15 of 2022

Arising Out of PS. Case No.-287 Year-2020 Thana- DHANARUA District- Patna

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XXX, Son of Ram Pravesh Thakur Resident of Village- New Mani Chak,
P.S.- Masaurhi, District- Patna, Under Guardianship and Natural and Legal
Guardian of his Sister Namely Rinku Devi aged about 35 Years, Gender-
Female, Wife of Dharmendra Kumar, Resident of Village- Jamuna Pur,
Madho Mills, Nawab Ganj, Police Station- Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Adv.
For the Respondent/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 20-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

This revision application has been filed seeking
setting aside of the order dated 08.10.2021 passed in Cr.Appeal
No.74 of 2021 by the learned 1st Additional District and
Sessions Judge-cum-Special Judge, Children Court, Patna
whereby and whereunder the learned Sessions Judge affirmed
the order dated 03.06.2021 passed in J.J.B. Case No.505 of 2020
arising out of Dhanarua P.S. Case No.287 of 2020 registered for
the offences under Sections 20(B), (ii)(c) of the N.D.P.S. Act by
the learned J.J. Board, Patna City, Patna by which the prayer for
bail of the petitioner has been rejected.



As per the allegation in the First Information Report, 60.153 Kgs of Ganja kept in two jute bags has been recovered from the possession of three accused persons including this petitioner.

Learned counsel for the petitioner submits that the petitioner has been adjudged juvenile aged about 16 years 9 months on the alleged date of occurrence, he has no criminal antecedent and has remained in the observation home since 05.10.2020. Learned counsel submits that the sister of the petitioner namely Rinku Devi is ready to stand as surety and furnish an undertaking that if released on bail she would ensure that the petitioner does not fall in the bad company and in case he is found getting involved in any offence she will bring it to the notice of the concerned police station.

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

Having regard to the submissions that the petitioner has been adjudged juvenile aged about 16 years 9 months, he has no criminal antecedent and has remained in the observation home since 05.10.2020, his sister Rinku Devi has come forward to stand as surety and furnish an undertaking that if released on bail she would ensure that the petitioner does not fall in the bad



company and in case he is found getting involved in any offence she will bring it to the notice of the concerned police station, keeping in view the spirit of Section 12 of the 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. versus 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, Patna City, Patna in connection with Dhanarua P.S. Case No.287 of 2020.

One of the sureties should be the sister of the petitioner and she 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, she 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, Patna City, Patna 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'.

