

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.3 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

XXX, through his father and natural guardian namely- Rup Narayan Singh
Resident of Village- Bashbaria (Mehasaul O.P.), Sitamarhi, District-
Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Advocate
For the Respondent/s : Mr.Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 12-07-2022 Learned counsel for the petitioner is permitted to make
correction with regard to the age of the petitioner in the title
portion in course of the day.

Heard learned counsel for the petitioner and Mr.
Jitendra Kumar Singh, learned APP for the State.

This revision application is directed against the order
dated 02.11.2021 passed by learned 1st Additional Sessions Judge-
cum-Special Judge (Children's Court), Sitamarhi in Cr. Appeal No.
36 of 2021, Registration No. 36 of 2021 whereby and whereunder
the order dated 15.09.2021 rejecting bail of the petitioner by
learned Juvenile Justice Board, Sitamarhi in J.J. Board Case No.
1352 of 2021 arising out of Runnisaidpur P.S. Case No. 162 of
2021 (G.R. No. 117 of 2021) registered for the offences
punishable under Section 394 of the Indian Penal Code later on



Sections 412, 414 of the Indian Penal Code was added has been affirmed.

Learned counsel for the petitioner submits that the petitioner has been declared juvenile by the Juvenile Justice Board, Sitamarhi aged about 16 years, 11 months, 26 days on the alleged date of occurrence and he has remained in the observation home since 17.03.2021, his father is ready to stand as a surety and furnish an undertaking that if released on bail the petitioner shall not be allowed to indulge in any unlawful act and all care will be taken that he does not fall in the company of anti-social elements and in case the petitioner indulges in any unlawful act, he will inform it 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 APP for the State has opposed the prayer for



bail of the petitioner.

Having regard to the submissions and the materials available on the record showing that the petitioner is not named in the F.I.R. and the informant has given description of the alleged occurrence in which he has stated that the accused persons had wrapped their face by a *Gamchha* and they were of the age group 22-25 years, this petitioner has been adjudged juvenile aged about 16 years, 11 months, 26 days on the alleged date of occurrence, in the social investigation report of this petitioner it is stated that he has participated in Bihar Olympiad and has passed the matriculation examination in the 2nd division and is a student of Intermediate, keeping in view the 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 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 found involved in any offence thereafter, he will immediately report to the jurisdictional police station, 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 1st Additional Sessions Judge-cum-Special Judge (Children's Court), Sitamarhi in connection with J.J. Board Case No. 1352 of 2021 arising out of Runnisaidpur P.S. Case No. 162 of 2021 (G.R. No. 117 of 2021).

Subject to condition that one of the sureties shall be the father of the petitioner who will also furnish an undertaking that if released on bail the petitioner shall not be allowed to indulge in any unlawful act and all care will be taken that he does not fall in the company of anti-social elements and in case the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station.

And it is further ordered that the Probation Officer attached to the Juvenile Justice Board, Sitamarhi shall keep a vigil over the petitioner and will be submitting his periodical reports to the Juvenile Justice Board as regards the conduct of the petitioner.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

