

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.32 of 2022

Arising Out of PS. Case No.-121 Year-2016 Thana- PAKRIDAYAL District- East Champaran

XXX, Son of Mukesh Kumar Singh, Under the Guardianship of His Father,
Namely Mukesh Kumar Singh S/o Kameshwar narayan Singh Resident of
Village - Chamahi, P.S.- Sikarganj, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Respondent/s : Mr.Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-07-2022 Learned counsel for the petitioner is permitted to make
correction in paragraph '3' of the application.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking setting aside of
the judgment dated 27.11.2021 passed by the learned 1st Additional
Sessions Judge-cum-Children's Court, East Champaran at
Motihari in Cr. Appeal No. 31 of 2021 by which the learned
Children's Court has been pleased to refuse the prayer for bail of
the petitioner affirming the order dated 05.10.2021 of the learned
Juvenile Justice Board passed in Tr. No. 1288 of 2021 arising out
of Pakaridayal P.S. Case No. 121 of 2016.

Learned counsel for the petitioner submits that in the
First Information Report, there is no specific allegation against the



petitioner. He is not named in the F.I.R. and the Juvenile Justice Board has adjudged his age as 15 years, 11 months and 14 days on the alleged date of occurrence.

It is further submitted that the petitioner is similarly situated with the co-accused namely Hament Kumar Singh who has been granted bail by this Court vide order dated 05.10.2021 in Cr. Revision No. 339 of 2021.

Mr. Md. Fahimuddin, learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but has submitted from the social investigation report that in course of interaction with the neighbours, the Probation Officer formed an opinion that the petitioner is perhaps not involved in the offence alleged.

Learned A.P.P. for the State further submits that there is nothing abnormal against the petitioner in the social investigation report. He does not deny the case of the petitioner stands on similar footing with co-accused Hament Kumar Singh who has been granted bail.

Having regard to the submissions noted hereinabove, keeping in view that the petitioner has been found juvenile aged below 16 years and a similarly situated co-accused has been granted bail by this Court in Cr. Revision No. 339 of 2021, considering that 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 as also following 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 physiology danger; and

(ii) 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, East Champaran, Motihari in connection with Tr. No. 1288 of 2021 arising out of Pakaridayal P.S. Case No. 121 of 2016.

One of the sureties shall 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, East Champaran, Motihari 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.

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'.

