

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.55 of 2023

Arising Out of PS. Case No.-20 Year-2019 Thana- BHANGWANPUR HAT District- Siwan

Abhimanyu Kumar, Son of Shri Surendra Prasad, R/O Village- Gopalpur,
P.S.- Bhagwanpur (Hat), District- Siwan Under The Guardianship of Harendra
Prasad, Aged About 38 Years, Gender- Male, Son of Dhupnath Prasad, R/O
Gopalpur, Siwan Mora (Uncle of the Petitioner)

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate Mr. Ashok Kumar Verma, Advocate
For the Respondent/s	:	Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-02-2023 Heard learned counsels for the parties.

This application has been filed against order dated 15.11.2022 passed by learned Additional Sessions Judge 1st, Siwan in Juvenile Enquiry No. 16 of 2022 arising out of Bhagwanpur (Hat) P. S. Case No. 20 of 2019 whereby, prayer for bail of the petitioner has been rejected.

On the alleged date of occurrence, petitioner was found to be 16 years and 6 days old. Prayer for bail of the petitioner has been rejected by both the Juvenile Justice Board and appellate court taking into consideration the Social Investigation Report which reflects that petitioner/juvenile in conflict with law is in company of bad elements.



As per the statute, the bail application of a juvenile in conflict with law is not to be considered on the merit of the case or nature of allegation or gravity of the offence, rather in terms of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

However, the Social Investigation Report does not disclose the identity of the known criminals which is the requirement of law. The same is vague and is based on surmises and conjectures. Petitioner has got clean antecedent and he is in observation home since 13.12.2021.

For the aforesaid reasons, order dated 15.11.2022 passed by learned Additional Sessions Judge 1st, Siwan in Juvenile Enquiry No. 16 of 2022 arising out of Bhagwanpur (Hat) P. S. Case No. 20 of 2019 is, hereby, set aside and this criminal revision is allowed.

Accordingly, the above-named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge-cum-Special Judge, Siwan in Bhagwanpur (Hat) P. S. Case No. 20 of 2019, subject to condition that one of the bailor will be uncle of the petitioner and he would file an affidavit giving an undertaking



to the effect that he will take care of good behaviour and child's
(petitioner's) well-being and will not allow him to go in the
company of bad elements.

(Prabhat Kumar Singh, J)

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