

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.57 of 2023

Arising Out of PS. Case No.-21 Year-2022 Thana- GANGTA District- Munger

Raushan Kumar, Son of Binod Kumar Singh @ Binod Mandal, Resident of
Village- Khaira, P.S.- Haveli Kharagpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Tarkeshwar Pd. Verma

For the Respondent/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 16-02-2023 Heard learned counsels for the parties.

This criminal revision has been filed against order dated 18.11.2022 passed by learned Additional Sessions Judge 1st, Munger in Cr. Appeal Case No. 31 of 2022 affirming the order dated 08.09.2022 passed by Juvenile Justice Board, Munger in Juvenile Case No. 71 of 2022 arising out of Gangta P. S. Case No. 21 of 2022 whereby, prayer for bail of the petitioner has been rejected.

Age of the petitioner was declared as 17 years 11 months 21 days old on the alleged date of occurrence. Both Juvenile Justice Board and Appellate Court have rejected the prayer for bail of the petitioner taking into consideration the nature and gravity of the offence which is against the mandate contained Section 12 of the Juvenile Justice (Care and



Protection of Children) Act, 2015 and without calling for the Social Investigation Report.

As per the statute, the bail application of a child 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.

Petitioner has got clean antecedent and he is in observation home since 11.02.2022.

For the aforesaid reasons, order dated 18.11.2022 passed by learned Additional Sessions Judge 1st, Munger in Cr. Appeal Case No. 31 of 2022 and order dated 08.09.2022 passed by Juvenile Justice Board, Munger in Juvenile Case No. 71 of 2022 are, 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 learned Juvenile Justice Board, Munger in connection with Juvenile Case No. 71 of 2022 arising out of Gangta P. S. Case No. 21 of 2022, subject to condition that one of the bailor will be father 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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