

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.71 of 2023

Arising Out of PS. Case No.-87 Year-2021 Thana- BALIA BELON District- Katihar

Abu Talib, Son of Md. Soyeb Through his maternal grandfather and guardian
namely Md. Ainul Haque, aged about 64 years (Male), Son of Sheikh Rahim
Bakhsh, R/v- Ratanpur, P.S.- Balia Belone, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Najeeb Ahmad

For the Respondent/s : Mr. Amitesh Kumar

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 06.12.2022 passed by learned Additional Sessions Judge 1st-cum-Children Court, Katihar in Criminal Appeal No. 37 of 2022 whereby, prayer for bail of the petitioner filed against order dated 16.11.2022 passed by learned Juvenile Justice Board, Katihar was rejected.

On 08.10.2021, Juvenile Justice Board declared the age of the petitioner as 15 years 10 months 10 days old on the alleged date of occurrence.

From perusal of the impugned order it is apparent that both Juvenile Justice Board and Appellate Court have rejected the prayer for bail of the petitioner on the ground that entire



village is against the petitioner and his father. That cannot be the ground for refusing the prayer for bail of the petitioner.

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.

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 05.08.2021.

For the aforesaid reasons, order dated 06.12.2022 passed by learned Additional Sessions Judge 1st-cum-Children Court, Katihar in Criminal Appeal No. 37 of 2022 and order dated 16.11.2022 passed by Juvenile Justice Board, Katihar 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 Principal Magistrate, Juvenile Justice Board, Katihar in Balia Belone P. S. Case No. 87 of 2021,



subject to condition that one of the bailor will be family member of the petitioner and he/she would file an affidavit giving an undertaking to the effect that he/she 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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