

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.69 of 2023

Arising Out of PS. Case No.-10 Year-2022 Thana- DELHA District- Gaya

1. Shivam Chaudhary, Son of Manoj Chaudhary, R/V- Channa, P.S- Chandauti, Dist- Gaya Bihar Through his mother Bebi Devi, Aged about 42 years, W/o Manoj Chaudhary
2. Jittu Chaudhary @ jitu Chaudhary, Son of Manoj Chaudhary, R/V- Channa, P.S- Chandauti, Dist- Gaya Bihar Through his mother Bebi Devi, Aged about 42 years, W/o Manoj Chaudhary

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Respondent/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-02-2023 Heard learned counsels for the parties.

This criminal revision application has been filed against order/judgment dated 06.12.2022 passed in Criminal Appeal Juvenile No. 3 of 2022 by Special Judge (Children Court), Gaya arising out of order dated 05.09.2022 passed in Miscellaneous Case No. 301 (A) of 2022 by Juvenile Justice Board, Gaya whereby, the prayer for bail of the petitioners has been rejected.

On the alleged date of occurrence, petitioner No. 1 was found to be 15 years 7 months 10 days old and petitioner No. 2 was found to be 14 years old.

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 whereas, in this case, both Juvenile Justice Board and the appellate court have rejected the prayer for bail of the petitioners taking into consideration the merit of the case which is against the statutory mandate.

The Social Investigation Report has disclosed lack of proper guidance and control of their parents. None of the grounds mentioned under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 is made out from the Social Investigation Report, the ultimate consequence is, release on bail. Petitioners are in observation home since 22.06.2022.

For the aforesaid reasons, order dated 06.12.2022 passed in Criminal Appeal Juvenile No. 3 of 2022 by Special Judge (Children Court), Gaya arising out of order dated 05.09.2022 passed in Miscellaneous Case No. 301 (A) of 2022 by Juvenile Justice Board, Gaya is, hereby, set aside and this criminal revision application is allowed.

Accordingly, the above-named petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Gaya in Delha P. S. Case No. 10 of 2022, subject to condition that one of the bailor will



be mother of the petitioners and she would file an affidavit giving an undertaking to the effect that she will take care of good behaviour and petitioners’ well-being and will not allow them to go in the company of bad elements.

(Prabhat Kumar Singh, J)

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