

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.81 of 2023

Arising Out of PS. Case No.-350 Year-2022 Thana- RAMPUR District- Gaya

Sahil @ Md. Saif, S/o Md. Baban Khan, R/o Village- Gewal Bigha, P.S.- Rampur, Distt- Gaya. (Hereinafter referred as to the C.I.C.L.), under guardianship of his father namely Baban Khan, aged about 45 years, S/o Alauddin Khan, R/o Village- Khalish Park Gewal Bigha, P.S.- Rampur, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
For the Respondent/s : Mr. Umeshanand Pandit, A.P.P.

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 10.11.2022 passed by learned Juvenile Justice Board, Gaya in Rampur P. S. Case No. 350 of 2022, G.R. No. 3928 of 2022, Misc. No. 300 of 2022 as well as judgment dated 14.12.2022 passed by learned Special Judge (Children Court), Gaya in Juvenile Appeal No. 25 of 2022 whereby, prayer for bail of the petitioner was rejected.

Age of the petitioner has been determined as 12 years 4 months and 2 days on the alleged date of occurrence. From perusal of the impugned order it is apparent that both Juvenile Justice Board and Appellant Court have rejected the bail of the



petitioner on the basis of the Social Investigation Report which reflects that the petitioner was in the company of anti-social elements.

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 so-called anti-social elements 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 13.07.2022.

For the aforesaid reasons, order dated 10.11.2022 passed by learned Juvenile Justice Board, Gaya in Rampur P. S. Case No. 350 of 2022, G.R. No. 3928 of 2022, Misc. No. 300 of 2022 as well as judgment dated 14.12.2022 passed by learned Special Judge (Children Court), Gaya in Juvenile Appeal No. 25 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, Gaya in Rampur P. S. Case No. 350 of 2022, G.R. No. 3928 of 2022, subject to condition that one of the bailor will be father or close relative 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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