

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.126 of 2023**

Arising Out of PS. Case No.-51 Year-2022 Thana- BABUBARHI District- Madhubani

MD. ASHHAD @ AMAN Son of Md. Belal @ Belal Ahmad Through Md. Belal @ Belal Ahmad aged about 43 years male S/o Md. Yunus in the capacity of father and Natural Guardian of Minor who has been declared Minor by the Juvenile Justice Board S/o Md. Belal @ Belal, Resident of village - Ekhattha, P.S.- Khutauna, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Nafisuzzoha  
For the Respondent/s : Mr.Rabindra Kumar

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      02-03-2023                      Heard counsel for the petitioner and the State.

The present criminal revision application has been preferred against order dated 5.12.2022 passed by the Additional Sessions Judge I, Madhubani in connection with Cr.Appeal No.38/2022 arising out of Babubarhi Police Station Case No. 51 of 2022 registered for the offence under Sections 302,120B/34 of the Indian Penal Code by which order dated 2.6.2022 rejecting bail of the petitioner by the Juvenile Justice Board, Madhubani has been confirmed.

It is submitted on behalf of petitioner that petitioner has been declared juvenile by the Juvenile Justice Board vide order dated 2.6.2022. It is further submitted that Juvenile Justice



Board and appellate Court has rejected the bail application of the petitioner only considering the merit and nature of allegation which is not in consonance with the mandate of law. Case of juvenile is to be considered on the criteria laid down under Section 12 of the Juvenile Justice Act. It is further submitted that social investigation report is based on conjectures and surmises and without any material. Petitioner has got clean antecedent and he is in observation home since 13.3.2022.

Counsel for the State vehemently opposed the prayer for bail.

From perusal of provisions of sections 12 of the Juvenile Justice (Care and Protection of Children) Act, it is evident that the Juvenile Justice Board as well as the Appellate Court are required to look into aspects which may be relevant with reference to three grounds, namely, likelihood of association with criminals, likelihood of moral, physical or psychological danger and likelihood to defeat ends of justice, rather than searching into merits of the case or nature and gravity of allegation. In this case, without there being such finding or report of social investigation, only nature and gravity of offence has been taken into consideration while considering bail application of this appellant which is contrary to statutory



mandate of Section 12 of Juvenile Justice Act, Interest of children is paramount consideration in such cases. In absence of adverse report of social investigation on those three accounts, the bail should not be denied to a juvenile in conflict with law.

Considering the aforesaid facts, this revision application is allowed. Impugned order 5.12.2022 is set aside.

Let the petitioner above-named, 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, Madhubani in Babubarhi Police Station Case No. 51 of 2022, with further condition that the father of the petitioner shall file an affidavit for the good behaviour and child's well being for a period of one year.

**(Prabhat Kumar Singh, J)**

Shashi

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