

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.160 of 2022

Arising Out of PS. Case No.-141 Year-2020 Thana- FATUA District- Patna

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Kundan Kumar, Son of Bhola Sal, Resident of Village- Sonaru, P.S.- Fatuha,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Devi, Wife of Bipin Sao, Resident of Village- Sikerbegchak, P.S.-
Khushrupur, District- Patna, at present Village Sonaru Tenantof Relative
Sudhir Kumar Divakar, P.S.- Fatuha, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo
For the Respondent/s : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 17-02-2023 Heard learned counsels for the parties.

This criminal revision has been filed against order dated 15.03.2021 passed by Juvenile Justice Board, Patna in J.J.B. Case No. 504 of 2020 arising out of Fatuha P. S. Case No. 141 of 2020 whereby and where under learned Juvenile Justice Board has rejected the prayer for bail of the petitioner and order dated 13.09.2021 passed by learned Additional Sessions Judge 1st-cum-Special Judge Children Court, Patna who has confirmed the order of Juvenile Justice Board, Patna in Cr. Appeal No. 72 of 2021.

On the alleged date of occurrence, petitioner was found to be 13 years 11 months and 5 days old. Both Juvenile



Justice Board and appellate court have rejected the prayer for bail of the petitioner/juvenile in conflict with law, on the basis of Social Investigation Report which reflects that, if released on bail, there is possibility of his falling in the association of known criminals.

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 is in observation home since 26.02.2020.

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.

For the aforesaid reasons, order dated 15.03.2021 passed by Juvenile Justice Board, Patna in J.J.B. Case No. 504 of 2020 arising out of Fatuha P. S. Case No. 141 of 2020 and order dated 13.09.2021 passed by learned Additional Sessions Judge 1st-cum-Special Judge Children Court, Patna 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 Juvenile Justice Board, Patna in Fatuha P. S. Case No. 141 of 2020, 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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