

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.183 of 2022**

Arising Out of PS. Case No.-11 Year-2020 Thana- MAGADH UNIVERSITY District- Gaya

Gautam Kumar @ Gautam Kumar Yadav, S/o Raju Ranjan Kumar, Resident  
of Village - Buxar, Tola Panchan Bigha, P.S. - Bandaya, District - Aurangabad  
(Under guardianship of his mother namely Rekha Devi).

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Rakesh Singh  
For the Respondent/s : Mr. A.G.

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

6      16-02-2023                      Heard learned counsels for the parties.

This criminal revision has been filed against order dated 22.09.2020 passed by learned Court of Special Judge (Children Court), Gaya in Cr. Appeal (Juvenile) 49 of 2020 (C.I.S.) in connection with Magadh University P. S. Case No. 11 of 2020 under Section 392 of the Indian Penal Code whereby, application of the petitioner was rejected confirming the order dated 17.08.2020 passed by learned Juvenile Justice Board, Gaya where under, the prayer for bail made on behalf of the petitioner in Miscellaneous Case No. 62 of 2020.

From perusal of the impugned order it appears that both the Juvenile Justice Board as well as the Appellate Court has rejected the bail application of the petitioner/juvenile on the



basis of the Social Investigation Report which reflects that petitioner may fall in the company of anti-social elements, if released on bail.

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 31.01.2020.

For the aforesaid reasons, order dated 22.09.2020 passed by learned Court of Special Judge (Children Court), Gaya and order dated 17.08.2020 passed by learned Juvenile Justice Board, Gaya 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 Court of Juvenile Justice Board, Gaya



in Magadh University Case No. 11 of 2020, 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)**

Navya/-

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