

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.372 of 2022

Arising Out of PS. Case No.-469 Year-2021 Thana- CHAPRA TOWN District- Saran

XXXX S/o Manoj Manjhi R/o Village- Purani Gurhatti, P.S.- Chapra Town,
District- Saran under guardianship of his father Manoj Manjhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate
For the Respondent/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 25-01-2023 Heard learned counsel appearing on behalf of the

petitioner/revisionist and learned APP appearing on behalf of the

State.

The present revision application is being preferred
against order dated 29.04.2022 passed by the Court of learned
1st Additional Sessions Judge-cum-Children Court, Saran at
Chapra, in Criminal (Juvenile) Appeal No. 09 of 2022 and J.J.B.
No. 1271/2022, arising out of Chapra Town P.S. Case No.
469/2021, whereby and whereunder the learned Court has
rejected the prayer for bail of the petitioner/revisionist.

The petitioner/revisionist, aged about 13 years 10
months 21 days on the alleged date of occurrence and is not
named in the FIR and is in custody/observation home since



24.09.2021.

The allegation against petitioner/revisionist is to commit murder of the father of the informant alongwith other co-accused persons, by assaulting with knife.

Learned counsel appearing on behalf of the petitioner/revisionist submitted that informant is not the eye-witness of the occurrence, where maximum allegation, as per viral video against this petitioner is to stand near the place of occurrence, where even it is not clear that who made assault with knife to the father of the informant. It is further submitted that rickshaw puller, who brought dead body of the father of informant, claiming to be an eye witness of the occurrence was never called to join TIP, during the course of investigation. It is further submitted that no incriminating material was recovered, save and except doubtful viral video. It is further submitted that genuineness of alleged viral video is yet to be ascertained from FSL. It is also submitted that similarly placed co-accused, namely, Rahul Kumar and Monu Kumar have already been granted bail by this Hon'ble Court vide order dated 02.09.2022 passed in Cr. Misc. No. 23869 of 2022 and vide order dated 28.11.2022 passed in Cr. Misc. No. 10534 of 2022 respectively. It is further submitted that petitioner/revisionist is a man of



clean antecedent and moreover, no adverse report has been found against this petitioner/revisionist, as per his Social Investigation Report (S.I.R.).

Learned counsel appearing on behalf of the petitioner/revisionist submitted that father of the juvenile petitioner is ready to stand as a surety and furnish an undertaking that he will take care of the petitioner/revisionist and shall ensure his studies as well as that he would not fall in bad company and would take all possible care to connect him with the mainstream of the society.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence.

Having regard to the submissions advanced as above, and materials showing that the petitioner has been adjudged juvenile aged about 13 years 10 months 21 days approximately on the alleged date of occurrence, having no active participation, he has no criminal antecedent and the social investigation report of the petitioner is not showing any adverse material against him so as to dissuade this court for granting release of the petitioner on bail, as also that petitioner has remained in the Observation Home for more than one year and



his father is ready to stand as a surety and furnish an undertaking that if released on bail he will take care of the study of the petitioner and shall ensure that he does not fall in bad company and, in case, the petitioner indulges in any unlawful act, he will inform it to the jurisdictional police station as also following the spirit of section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and in view of the exceptions carved out by the Hon'ble Division Bench of this Court in the case of **Lalu Kumar and Ors. Vs. The State of Bihar, reported in 2019 (4) PLJR 833** that classification of the offences under the bailable and non-bailable sections would not be relevant for the purpose of grant of bail to a juvenile and the prayer for bail of a juvenile may be rejected only under one of the three conditions as under:-

“(i) The release is likely to bring that person into association with any known criminal;

(ii) The release is likely to expose the said person to moral or physiological danger; and

(iii) The release would defeat the ends of justice.”

Accordingly, this court sets-aside the impugned order and directs release of the petitioner on bail on furnishing bail



bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board (J.J.B.), Saran at Chapra, in connection with J.J.B. No. 1271/2022 arising out of Chapra Town P.S. Case No. 469 of 2021.

One of the sureties should be the father of the petitioner and she will also furnish an undertaking in terms stated here-in-above.

The Probation Officer shall keep on visiting the place of the petitioner and shall submit periodical report to the Juvenile Justice Board (J.J.B.), Saran at Chapra regarding conduct of the petitioner. If found anything adverse against this petitioner, the same will also be reported to the Board for necessary action.

(Chandra Shekhar Jha, J)

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