

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.373 of 2022

Arising Out of PS. Case No.-413 Year-2019 Thana- KHUSRUPUR District- Patna

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Sujeet Kumar @ Jeevan (Under the Guardian ship of his father), Son of Raj Ballabh Yadav, Resident of Village- Kachchi Dargah, P.S.- Nadi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sangeet Deokuliar, Advocate Mr. Akhilesh Kumar, Advocate
For the Respondent/s	:	Mr. Akbar Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-02-2023 Heard learned counsels for the parties.

This criminal revision has been filed against order dated 17.12.2022 passed by learned Additional District and Sessions Judge 1st-cum-Special Judge (Juvenile Court), Patna in Cr. Appeal No. 111 of 2021 whereby, appeal of the petitioner was rejected affirming the order dated 05.07.2021 passed by Juvenile Justice Board, Patna where under, the prayer for bail made on behalf of the petitioner in J.J.B. Case No. 95 of 2020 arising out of Khusrupur P. S. Case No. 413 of 2019 was dismissed.

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 the three grounds mentioned in the provisions contained under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. If the three grounds are not made out, the only consequence is to release the juvenile on bail.

Petitioner was declared juvenile on the alleged date of occurrence by the Juvenile Justice Board, Patna. It is apparent that both Juvenile Justice Board and the appellate court rejected the prayer for bail of the petitioner taking into consideration the gravity of the offence and criminal antecedents of the petitioner which is against the mandate of law.

Petitioner is in observation home since 25.12.2019.

For the aforesaid reasons, order dated 17.12.2022 passed by learned Additional District and Sessions Judge 1st-cum-Special Judge (Juvenile Court), Patna in Cr. Appeal No. 111 of 2021 and order dated 05.07.2021 passed by Juvenile Justice Board, Patna in J.J.B. Case No. 95 of 2020 arising out of Khusrupur P. S. Case No. 413 of 2019 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 City in J.J.B. Case



No. 95 of 2020 arising out of Khusrupur P. S. Case No. 413 of 2019, 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)

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