

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.450 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- VISHNUPAD District- Gaya

Vishal Kewat @ Abhiraj @ Abhi Raj, S/o Parsuram Kewat, Resident of Moh.-
Dandibagh, P.S.- Vishnupad, District- Gaya through his natural guardian, the
father namely Parsuram kewat, aged about 45, S/o.-Sadhusaran kewat, R/o-
Moh.- Dandibagh, P.S.- District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satish Kumar, Advocate
For the Informant	:	Mr. Satyaveer, Advocate
		Mr. Rana Pratap Singh, Advocate
For the Respondent/s	:	Ms. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 16-02-2023 Heard learned counsels for the parties.

This criminal revision has been filed against order dated 07.06.2022 passed by learned Additional Sessions Judge 1st-cum-P. O. Children Court, Gaya in Juvenile Appeal No. 14 of 2022 whereby, appeal of the petitioner was rejected confirming the order dated 09.05.2022 passed by learned Principal Magistrate, Juvenile Justice Board, Gaya where under, the prayer for bail made on behalf of the petitioner in connection with Vishnupad P. S. Case No. 18 of 2022.

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. In this case, prayer for bail of the petitioner has been rejected considering the Social Investigation Report, submitted by Probation Officer, which reflects that the juvenile/petitioner is in association with anti-social elements.

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 14.02.2022.

For the aforesaid reasons, order dated 07.06.2022 passed by learned Additional Sessions Judge 1st-cum-P. O. Children Court, Gaya in Juvenile Appeal No. 14 of 2022 and order dated 09.05.2022 passed by learned Principal Magistrate, 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 Principal Magistrate, Juvenile Justice Board, Gaya in Vishnupad P. S. Case No. 18 of 2022, 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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