

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.463 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- ADAPUR District- East Champaran

XXX

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 10-02-2023 Heard learned counsel appearing on behalf of the petitioner/revisionist and learned APP appearing on behalf of the State.

Though the petitioner has given full description in the application, it would be inappropriate to disclose his identity in view of the statutory provisions prescribed under Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Act of 2015'). He is being referred to in the cause title as XXX.

Registry while uploading the order on the website shall also ensure that the cause title is reflected in similar manner.



The present revision application is being preferred against order dated 14.06.2022 passed by Additional Sessions Judge-cum-Special Judge, Children's Court, East Champaran, Motihari in Cr. Appeal No. 7/2022 in connection with Aadapur P.S. Case No. 28/2022 and order dated 10.02.2022 passed by learned Court of Juvenile Justice Board, East Champaran, Motihari, in J.J.B. T.R. No. 1182/2022 arising out of Aadapur P.S. Case No. 28/2022, whereby and whereunder the learned Court has rejected the prayer for bail of the petitioner/revisionist.

The petitioner/revisionist, adjudged as a juvenile on the date of occurrence, where his age was assessed as 16 years 08 months 02 days, named in F.I.R., and is in custody/observation home since 22.01.2022.

The allegation against revisionist/petitioner is to have in possession of two stolen motorcycles.

Learned counsel appearing on behalf of the petitioner/revisionist submitted that revisionist/petitioner falsely implicated in this case arises out of neighborhood disputes and differences. It is also submitted that as documents/ownership of motorcycles was not produced on demand, merely, out of said suspicion, police registered present case. It is also submitted that motorcycle was jointly occupied, and as such, it cannot said that



recovery of motorcycles was made from exclusive possession of this petitioner. It is further submitted that nothing adverse can be gathered from Social Investigation Report of this petitioner so as to suggest that petitioner cannot be brought into mainstream of the society after due care. It is also submitted that petitioner involved in three more cases, where he is on bail.

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 proper care of the petitioner/revisionist and shall ensure his studies and also that he would not fall in bad company and would take all possible care to connect him with the mainstream of the society and groom him as a good and law abiding citizen in future.

Learned APP, while opposing the prayer of bail, fairly conceded that alleged motorcycle was jointly occupied.

Having regard to the submissions advanced as above, and materials showing that the petitioner has been adjudged juvenile aged about 16 years 08 months 02 days approximately on the alleged date of occurrence, 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 about 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 psychological danger; and

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

Accordingly, the impugned order dated 14.06.2022



passed by Additional Sessions Judge-cum-Special Judge, Children's Court, East Champaran, Motihari in Cr. Appeal No. 7/2022 in connection with Aadapur P.S. Case No. 28/2022 is set aside. Consequently, order dated 10.02.2022 passed by learned Court of Juvenile Justice Board, East Champaran, Motihari, in J.J.B. T.R. No. 1182/2022 arising out of Aadapur P.S. Case No. 28/2022 is also set aside.

In view of above facts and circumstances and by taking note of the accusation that petitioner adjudged as juvenile on the date of occurrence, the petitioner is directed to be released 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 Court of Juvenile Justice Board, East Champaran, Motihari, in J.J.B. T.R. No. 1182/2022 arising out of Aadapur P.S. Case No. 28/2022

One of the sureties should be the father of the petitioner and he 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.), East Champaran, Motihari, 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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