

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.503 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- BAJPATTI District- Sitamarhi

XXXX S/o Kishor Mahto @ Kishori Mahto R/o village- Keshopur, Dhadhi,
P.S.- Bajpatti, District- Sitamarhi (Under the guardianship of his Mother
namley Geeta Devi, aged about 35 years, Gender- Female, W/o Kishor Mahto
@ Kishori Mahto).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate
For the Respondent/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 30-01-2023 Heard learned counsel appearing on behalf of the
parties.

Learned counsel for the revisionist/petitioner seeks
permission to correct prayer portion of the petition.

Same is allowed to be corrected during the course of
day itself.

The present revision application is being preferred
against order dated 25.09.2021 passed by the Court of learned
Principal Magistrate, J.J.B., Sitamarhi J.J.B. Case No. 1180 of
2021 arising out of Bajpatti P.S. Case No. 79 of 2021 and order
dated 08.06.2022 passed in Cr. Appeal No. 14 of 2022 passed by
Learned 1st Additional Sessions Judge and Special Judge
(Children Court), Sitamarhi, 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 14 days on the alleged date of occurrence i.e. 29.03.2021, is named in F.I.R., and is in custody/observation home since 13.04.2021.

The allegation as regard to assault against petitioner/revisionist is very much general and omnibus and was implicated in present case due to enmities of informant with parents of petitioner, which is founded over local disputes and differences. It is pointed out that on same very day juvenile implicated in another two cases, one related with excise matter and another with SC/ST Act. It is also submitted that no adverse report regarding petitioner can be gathered from his Social Investigation Report (SIR).

Learned counsel appearing on behalf of the petitioner/revisionist submitted that mother of the juvenile petitioner is ready to stand as a surety and furnish an undertaking that she 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 and also grow him as a good



and law abiding citizen.

Learned APP, while opposing the prayer of bail submitted that revisionist/petitioner actively participated in present occurrence and it is further submitted that he involved in two criminal cases, though fairly conceded that arises out of same transactions and lodged on very same day.

Having regard to the submissions advanced as above, and materials showing that the petitioner has been adjudged juvenile aged about 13 years 10 months 14 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 more than one year and his mother is ready to stand as a surety and furnish an undertaking that if released on bail she 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, 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.), Sitamarhi, in connection with J.J. Board Case No. 1180/2021 arising out of Bajpatti P.S. Case No. 79 of 2021.

One of the sureties should be the mother 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.), Sitamarhi 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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