

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.528 of 2022

Arising Out of PS. Case No.-84 Year-2021 Thana- INDUSTRIAL District- Bhagalpur

Peeyush Kumar S/O Manoj Mandal R/O Village- Rani Talab, P.S.- Industrial
Area, District- Bhagalpur. Petitioner/S

Versus

The State of Bihar. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Respondent/s : Mr. Binay Krishna, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Present Cr. Revision application has been filed for
setting aside order dated 16.04.2022, passed in Cr. Appeal No.
08/2022, passed by learned Court of Additional Sessions Judge, 1st
-cum-Special Judge (Children Court), Bhagalpur, and order dated
02.02.2022, passed by Juvenile Justice Board, Bhagalpur passed
in POCSO Case No. 60/2021, arising out of Industrial Area P.S.
Case No. 84/2021, by which the bail application of the petitioner
and its appeal were rejected.

Counsel for the petitioner submits that the present case
has been filed against the petitioner and others, under Section
306/379/34 of the I.P.C. read with Section 4, 8 of POCSO Act and
Section 3(2)(v) of the SC/ST Act. Later on Section 302, 201,
120B of the I.P.C. were added vide order dated 27.08.2021 but
after investigation, charge-sheet has been submitted under Section
376 of the I.P.C. and Section 4 of the POCSO Act, against the
petitioner and charge-sheet has been submitted under different

sections against the Informant and the family members of the Informant.

Counsel submits that the petitioner has been declared juvenile. The petitioner is in remand home since 25.10.2021. The petitioner has moved for bail under Section 12 of J.J. Board but the basic presumption as under J.J. Act were not considered and the bail application of the petitioner was rejected by J.J. Board, thereafter, petitioner filed an appeal and the Appellant Court, upon considering the case of the petitioner and particularly going through the report, reached to the conclusion that there is possible damage to the life of the appellant and therefore, his bail petition was rejected.

Counsel for the petitioner submits that from the materials available on record, it is crystal clear that the death of the daughter of the Informant appears to be a case of honour killing. The father and the mother of the petitioner are ready to file a surety on behalf of Counsel for the petitioner. They are also ready to take every care of their son (petitioner), who is in conflict with law.

Counsel submits that in case of **Lalu Kumar Vs. State of Bihar & Ors.** reported in **(2019) 4 PLJR 833**, where three conditions were laid down for the purpose of granting bail:-

(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.

In the said judgment, principle of presumption of innocence and principle of equity and non-discrimination have also been discussed, which are in favour of the petitioner.

This Court is considering the principle of fresh start and upon undertakings given by the father and the mother, petitioner is directed to be released, with a condition that both the father and the mother, along with their son(petitioner), shall visit to the office of 'Probation Officer', twice every month.

With this direction, petitioner is directed to be released and the order dated 16.04.2022, passed in Cr. Appeal No. 08/2022, passed by learned Court of Additional Sessions Judge, 1st-cum-Special Judge (Children Court), Bhagalpur and order dated 02.02.2022, passed by Juvenile Justice Board, Bhagalpur passed in POCSO Case No. 60/2021 arising out of Industrial Area P.S. Case No. 84/2021 are hereby **set-aside**.

(Dr. Anshuman, J.)

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