

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.560 of 2022

Arising Out of PS. Case No.-272 Year-2020 Thana- MUNGER MUFFASIL District- Munger

XYZ Petitioner/s
Versus
The State of Bihar Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate
For the Respondent/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-02-2023 Heard learned counsel appearing on behalf of the
petitioner/revisionist through virtual court proceedings.

Let, the defect(s), as pointed out by the office, ignored
for the present.

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 XYZ.

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 impugned order dated 21.05.2022 passed by learned 1st
Additional Sessions Judge, Munger in Criminal Appeal No. 09



of 2022 in connection with Juvenile Justice Board (J.J.B.) Case No. 109 of 2021 (arising out of Muffasil P.S. Case No. 272 of 2020 dated 26.11.2020) which was registered for offences under Sections 414, 420, 467, 468, 471, 120(B) and 34 of the Indian Penal Code, whereby and whereunder the learned Court has rejected the prayer for bail of the petitioner/revisionist.

The petitioner/revisionist, aged about 14 years on the alleged date of occurrence, is named in F.I.R., and is in custody/observation home since 17.12.2021.

The allegation against petitioner/revisionist is to have in possession of stolen property alongwith other co-accused persons and also to cheat.

Learned counsel appearing on behalf of the petitioner/revisionist submitted that the name of petitioner/revisionist surfaced on the basis of disclosure made by co-accused Nias@Pellan and Md. Irfan. It is also pointed out that the petitioner/revisionist was not apprehended on spot. It is further pointed out that petitioner/revisionist is involved in two more criminal cases, where name of petitioner/revisionist surfaced on the basis of disclosure as of the present case. It is also submitted that there is no recovery of stolen property from the possession of this petitioner/revisionist.



Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded the fact that the name of petitioner surfaced on the basis of disclosure made by apprehended co-accused persons.

In view of the facts and circumstance and by taking note of nature of allegation, where, petitioner/revisionist has been adjudged juvenile aged about 14 years on the alleged date of occurrence and the social investigation report of the petitioner/revisionist is also 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 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/revisionist and shall ensure that he does not fall in bad company and, in case, the petitioner/revisionist 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 physiological danger; and

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

Accordingly, the impugned order dated 21.05.2022 passed in Criminal Appeal No. 09 of 2022 by the Court of learned 1st Additional Sessions Judge, Munger is set-aside. Consequently, in J.J.B. Case No. 109 of 2021 (arising out of Muffasil P.S. Case No. 272 of 2020 dated 26.11.2020) by the learned Juvenile Justice Board, Munger, is also set-aside.

In view of the above mentioned facts and circumstances, as petitioner assessing juvenile by the J.J.B., his age is about 14 years, he 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 Juvenile Justice Board, Munger/concerned Court in connection with in connection with J.J.B. Case No. 109 of 2021 (arising out of Muffasil P.S. Case No. 272 of 2020).

One of the sureties should be the mother of the petitioner/revisionist 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.), Munger, regarding conduct of the petitioner/revisionist. If found anything adverse against this petitioner/revisionist, the same will also be reported to the Board for necessary action.

(Chandra Shekhar Jha, J)

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