

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.592 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- KANHAWLI District- Sitamarhi

X2

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Respondent/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 01-02-2023 Heard learned counsel appearing on behalf of the petitioner/revisionist and learned APP appearing on behalf of the State.

Learned counsel for the petitioner states that inadvertently, in the cause-title, name of petitioner has been typed as Aniket Kumar, in place of “Aniket Kumar @ Ankit Kumar”, as such, the same may be permitted to be corrected.

Ordered accordingly.

Let the petitioner make necessary correction during course of the day in the name of petitioner in the cause title so as to read “Aniket Kumar @ Ankit Kumar”.

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 X2.

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 14.07.2022 passed by the learned 1st Additional Sessions Judge Cum Special Judge (Children's Court), Sitamarhi, in Cr. Appeal No. 38/2022, and order dated 23.06.2022 passed by Juvenile Justice Board, Sitamarhi in connection with Juvenile Justice Board Case No. 1521 of 2022 arising out of Kanhauli Police Station Case No. 81 of 2022, whereby and whereunder the learned Court has rejected the prayer for bail of the petitioner/revisionist.

The petitioner/revisionist, aged about 17 years 05 months 24 days on the alleged date of occurrence, is named in F.I.R., and is in custody/observation home since 13.05.2022.

The allegation against revisionist/petitioner is to have in possession of country made firearm without any cartridges.

Learned counsel appearing on behalf of the petitioner/revisionist submitted that informant and petitioner



both were attended the same marriage party, where out of certain differences, informant in collusion with police implicated petitioner falsely. It is also submitted that petitioner was involved in one more criminal case, where he is on bail. It is also submitted that Social Investigation Report (SIR) of petitioner is not suggesting anything against petitioner rather suggesting that he is doing part time job as delivery boy, and as such, there is all probabilities that petitioner may returned to mainstream of the society

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 proper 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 to groom him as a good and law abiding citizen.

Learned APP, while opposing the prayer of bail submitted that there is recovery of firearm from the possession of petitioner.

Having regard to the submissions advanced as above, and materials showing that the petitioner has been adjudged



juvenile aged about 17 years 05 months 24 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 eight months 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, she 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 14.07.2022 passed by the learned 1st Additional Sessions Judge Cum Special Judge (Children’s Court), Sitamarhi, in Cr. Appeal No. 38/2022 is set aside. Consequently, order dated 23.06.2022 passed by Juvenile Justice Board, Sitamarhi in connection with Juvenile Justice Board Case No. 1521 of 2022 arising out of Kanhauli Police Station Case No. 81 of 2022 is also set aside.

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 Juvenile Justice Board, Sitamarhi, in connection with Juvenile Justice Board Case No. 1521 of 2022 arising out of Kanhauli Police Station Case No. 81 of 2022.

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)

veena/-

U		T	
---	--	---	--

