

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.620 of 2022

Arising Out of PS. Case No.-544 Year-2021 Thana- SONEPUR District- Saran

X3

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Advocate

For the Respondent/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-02-2023 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 X3.

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 06.08.2022 passed by the learned Additional Sessions Judge-I, Saran at Chapra, in Cr. (Juvenile) Appeal No.



26/2022, in Juvenile Enquiry No. 1752 of 2022 in connection with Sonpur P.S. Case No. 544 of 2021 and order dated 24.06.2022 passed by the learned Juvenile Justice Board, Saran at Chapra in Juvenile Enquiry No. 1752 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 07 months 08 days on the alleged date of occurrence, is not named in F.I.R., and is in custody/observation home since 19.04.2022.

The allegation against revisionist/petitioner is to commit murder of aunt (Bua) of informant alongwith other co-accused persons, where she found in pool of blood, inside her house.

Learned counsel appearing on behalf of the petitioner/revisionist submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Dhiraj Kumar @ Sumit @ Chunnu, during the course of investigation, where nothing incriminating surfaced to connect this revisionist/petitioner with present occurrence of the murder. It is also submitted that said Dhiraj Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Hon'ble Court vide order dated 14.06.2022 passed in Cr. Misc.



No. 6316 of 2022. It is further submitted that revisionist/petitioner involved in one more case where he is on bail. It is further submitted that nothing adverse can be gathered from the Social Investigation Report (SIR) of the revisionist/petitioner, which may suggest that petitioner cannot join the mainstream of society.

Learned counsel appearing on behalf of the petitioner/revisionist submitted that mother of the juvenile petitioner, who is in government job 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 also grow him as a good and law abiding citizen.

Learned APP, while opposing the prayer of bail fairly conceded that revisionist/petitioner is not named in the FIR.

Having regard to the submissions advanced as above, and materials showing that the petitioner has been adjudged juvenile aged about 17 years 07 months 08 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 10 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 06.08.2022 passed by the learned Additional Sessions Judge-I, Saran at Chapra, in Cr. (Juvenile) Appeal No. 26/2022, in Juvenile Enquiry No. 1752 of 2022 in connection with Sonpur P.S. Case



No. 544 of 2021 is set aside. Consequently, order dated 24.06.2022 passed by the learned Juvenile Justice Board, Saran at Chapra in Juvenile Enquiry No. 1752 of 2022, in connection with Sonpur P.S. Case No. 544 of 2021 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, Saran at Chapra, in connection with Juvenile Enquiry No. 1752 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.), Saran at Chapra, 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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