

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.702 of 2022

Arising Out of PS. Case No.-129 Year-2020 Thana- MUSRIGHRARI District- Samastipur

Rahul Ranjan @ Rahul Kumar S/O Binod Kumar Singh @ Bindi Singh
Resident of village- Baghi Ekdara, P.S.- Muffasil, District Samastipur under
the Guardianship of the elder sister Ruby Kumari aged about 24 Years,
Gender- Female, D/o Vinod Kumar Singh. Resident of Villlage- Baghi
Ekdara, P.S.- Muffasil, District Samastipur-848130

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Brajesh Kumar Singh
For the OP No. 2	:	Mr.Piyush Kumar Pandey
		Ms.Aditi Shashi
For the Respondent/s	:	Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 27-02-2023 Heard counsel for the petitioner and the State.

Instant criminal revision application is directed against the judgment and order dated 05.09.2022 and 17.06.2022 passed by learned Additional District Sessions Judge Ist-cum-Special Judge SC/ST (POA) Act, Samastipur in Criminal Appeal No. 33 of 2022 and Juvenile Justice Board, Samastipur respectively arising out of Musrigharari PS Case No. 129 of 2020 (Juvenile TR. No. 2913 of 2022) registered for the offence under Section 302/120(B) of the Indian Penal Code read with section 27 of the Arms Act whereby and whereunder the prayer for bail of the petitioner has been rejected.

As per the prosecution case, on the alleged date and



time of occurrence, FIR named accused person along with two unknown persons made indiscriminate firing on the son of informant causing his death.

It is submitted on behalf of learned counsel for petitioner that petitioner has been declared juvenile by the Juvenile Justice Board as on the alleged date of occurrence, he was 16 years 4 months and 2 days. It is further submitted that Juvenile Justice Board as well as Children Court have rejected the bail application of the petitioner only considering the merit and nature of allegation which is not in consonance with the mandate of law. Case of juvenile is to be considered on the criteria laid down under Section 12 of the Juvenile Justice Board Act. It is further submitted that social investigation report is based on conjectures and surmises and without any material. In absence of adverse report of social investigation on those three accounts, the bail should not be denied to a juvenile in conflict with law. Petitioner is in custody since 13.11.2020.

Counsel for the State vehemently opposed the prayer for bail.

From perusal of provisions of sections 12 of the Juvenile Justice (Care and Protection of Children) Act, it is evident that the Juvenile Justice Board as well as the Appellate



Court are required to look into aspects which may be relevant with reference to three grounds, namely, likelihood of association with criminals, likelihood of moral, physical or psychological danger and likelihood to defeat ends of justice, rather than searching into merits of the case or nature and gravity of allegation. In this case, without there being such finding or report of social investigation, only nature and gravity of offence has been taken into consideration while considering bail application of this appellant which is contrary to statutory mandate of Section 12 of Juvenile Justice Act, Interest of children is paramount consideration in such cases. From perusal of Social Investigation Report it appears that there is no adverse report against the petitioner. In absence of adverse report of social investigation on those three accounts, the bail should not be denied to a juvenile in conflict with law.

Considering the aforesaid facts, this revision application is allowed. The judgment and order dated 05.09.2022 and 17.06.2022 passed by learned Additional District Sessions Judge Ist-cum-Special Judge SC/ST (POA) Act, Samastipur in Criminal Appeal No. 33 of 2022 and Juvenile Justice Board, Samastipur respectively arising out of Musrigharari PS Case No. 129 of 2020 (Juvenile TR. No. 2913



of 2022), is set aside.

Let the petitioner above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Sessions Judge Ist-cum-Special Judge SC/ST (POA) Act, Samastipur in Criminal Appeal No. 33 of 2022 arising out of Musrigharari PS Case No. 129 of 2020 (Juvenile TR. No. 2913 of 2022) with further condition that **mother** of the petitioner shall file an affidavit for the good behaviour and child’s well being for a period of one year.

(Prabhat Kumar Singh, J)

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