

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.759 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- CHARPOKHARI District- Bhojpur

Binod Kumar @ Binod Yadav, S/o Dhananjay Singh, R/o Village- Agnuchak, Pitampur, P.S.- Charphokhari through his legal guardian Pintu Singh(uncle), Male, aged about 29 Yrs., S/o Dukhi Singh, Resident of Village- Pirtampur, P.S.- Chandi, Distt- Bhojpur(Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Advocate

For the Respondent/s : Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 23-02-2023 Heard learned counsels for the parties.

This criminal revision has been filed against order dated 25.08.2022 passed by learned Additional Sessions Judge 1st, Bhojpur at Ara in Bail Petition No. 4478 of 2022 whereby, he has affirmed the order of Juvenile Justice Board, Bhojpur passed in J.J.B. Case No. 1106 of 2021 where under, the prayer for bail of the petitioner in connection with Charpokhari P. S. Case No. 203 of 2021 has been dismissed.

As per the statute, the bail application of a juvenile in conflict with law is not to be considered on the merit of the case or nature of allegation or gravity of the offence, rather in terms of the three grounds mentioned under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

In this case, prayer for bail of the petitioner has been rejected considering the Social Investigation Report, submitted



by Probation Officer, which reflects that the juvenile/petitioner is in association with anti-social elements.

However, the Social Investigation Report does not disclose the identity of the known criminals which is the requirement of law. The same is vague and is based on surmises and conjectures. Petitioner is in observation home since 30.11.2021.

For the aforesaid reasons, order dated 25.08.2022 passed by learned Additional Sessions Judge 1st, Bhojpur at Ara in Bail Petition No. 4478 of 2022 and order of Juvenile Justice Board, Bhojpur passed in J.J.B. Case No. 1106 of 2021 in connection with Charpokhari P. S. Case No. 203 of 2021 are, hereby, set aside and this criminal revision is allowed.

Accordingly, the above-named petitioner is directed to 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 Principal Magistrate, Juvenile Justice Board, Bhojpur in J.J.B Case No. 1106 of 2021 arising out of Charkpokhari P. S. Case No. 203 of 2021, subject to condition that one of the bailor will be father of the petitioner and he would file an affidavit giving an undertaking to the effect that he will take care of good behaviour and child's (petitioner's) well-



being and will not allow him to go in the company of bad elements.

(Prabhat Kumar Singh, J)

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