

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.788 of 2022**

Arising Out of PS. Case No.-26 Year-2022 Thana- PANCHRUKHI District- Siwan

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*ZZZ*

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate

For the Respondent/s : Mr. Navin Kr. Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      10-02-2023                      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 *ZZZ*.

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 15.09.2022 passed in Cr. Appeal No.



49/2022 (arising out of order dated 29.06.2022 in J.J.B. No.60/2022, passed by J.J.B., Panchrukhi Sarai in P.S. Case No. 26/2022, whereby and whereunder the learned Court has rejected the prayer for bail of the petitioner/revisionist.

The petitioner/revisionist, adjudged as a juvenile on the date of occurrence, where his age was assessed as 15 years 19 days only, not named in F.I.R., and is in custody/observation home since 31.01.2022.

Allegation against revisionist/petitioner is to commit murder of the son of informant, who was working in a private Saloon of Shambhopur Market and who was found missing from intervening night of 24.01.2022.

Learned counsel appearing on behalf of the petitioner/revisionist submitted that merely on the basis of suspicion, the name of petitioner/revisionist surfaced during the course of investigation, as his name was taken by one of the co-accused, namely, Abdul Karim, while recording his confession. It is also submitted that no incriminating material recovered/surfaced during the course of investigation, which may connect this revisionist/petitioner with present set of occurrence/murder. It is also submitted that revisionist/petitioner is a man of clean antecedent and as per Social Investigation



Report (SIR), all family members are also man of clean antecedents. It is also submitted that nothing adverse can be gathered from Social Investigation Report (SIR) of this revisionist/petitioner and focus was made for continuing study of petitioner as per Social Investigation Report (SIR).

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 groom him as a good and law abiding citizen in future.

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

Having regard to the submissions advanced as above, and materials showing that the petitioner has been adjudged juvenile aged about 15 years 19 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 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 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 15.09.2022



passed in Cr. Appeal No. 49/2022 (arising out of order dated 29.06.2022 in J.J.B. No.60/2022, passed by J.J.B., Panchrukhi Sarai in P.S. Case No. 26/2022, is set aside.

In view of above facts and circumstances and by taking note of the accusation that petitioner adjudged as juvenile on the date of occurrence, 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 J.J.B., Panchrukhi Sarai, Siwan, in P.S. Case No. 26/2022,

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.), Siwan, 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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