

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.784 of 2022

Arising Out of PS. Case No.-168 Year-2022 Thana- CHHATAPUR District- Supaul

Manish Kumar, S/o Dayanand Yadav, R/v- Katahra, Ward No.- 09, P.S.-
Chhatapur, District- Supaul (under Guardianship of above named father)

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur

For the Respondent/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 17-02-2023 Heard learned counsels for the parties.

This criminal revision has been filed against order dated 24.08.2022 passed by learned Additional Sessions Judge 1st-cum-Special Judge Children Court, Supaul in Cr. Appeal No. 20 of 2022 whereby, appeal of the petitioner was rejected confirming the order dated 19.07.2022 passed in POCSO Case No. 29 of 2022 where under, grant of bail to the petitioner was dismissed.

On the alleged date of occurrence, petitioner was found to be 17 years 3 months and 20 days old. In this case, prayer for bail of the petitioner has been rejected considering the nature and gravity of the offence as stated in Social



Investigation Report, submitted by Probation Officer.

As per the statute, the bail application of a child 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 Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Petitioner has got clean antecedent and he is in observation home since 08.05.2022.

For the aforesaid reasons, order dated 24.08.2022 passed by learned Additional Sessions Judge 1st-cum-Special Judge Children Court, Supaul in Cr. Appeal No. 20 of 2022 and order dated 19.07.2022 passed in POCSO Case No. 29 of 2022 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 Additional Sessions-cum-Special Judge (Children Court), Supaul in Chhatapur P. S. Case No. 168 of 2022, 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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