

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.836 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- TEGHRHA District- Begusarai

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Krishn Kumar Pathak, S/o Sanjeev Pathak, R/o Malti, P.S.- Fulwariya, Distt- Begusarai under the guardianship of his maternal grandfather Kameshwar Jha S/o Nand Kishor Jha R/o Village- Jakarpura, P.S.- Surajgarham, Distt- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Advocate

For the Respondent/s : Mr. Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-02-2023 Heard learned counsels for the parties.

This criminal revision application has been filed against order/judgment dated 08.09.2022 passed in Criminal Appeal No. 24 of 2022 by learned Additional Sessions Judge 1st-cum-Special Judge Children's Court, Begusarai and order dated 10.05.2022 passed by learned Juvenile Justice Board, Begusarai in J.J.B. Case No. 74 of 2022 whereby prayer for bail of the petitioner has been rejected.

On the alleged date of occurrence, petitioner was found to 17 years 3 months 17 days old. Both Juvenile Justice Board and the appellate court have rejected the prayer for bail of the petitioner on the basis of Social Investigation Report which reflects that release of the petitioner will expose him to moral,



physical and psychological danger.

However, the Social Investigation Report does not disclose the material on the basis of which it has been concluded that the petitioner, if released on bail, will get exposed to moral, physical and psychological danger which is the requirement of law. The same is vague and is based on surmises and conjectures. Petitioner claims clean antecedent and is in observation home since 26.09.2021.

For the aforesaid reasons, 08.09.2022 passed in Criminal Appeal No. 24 of 2022 by learned Additional Sessions Judge 1st-cum-Special Judge Children's Court, Begusarai and order dated 10.05.2022 passed by learned Juvenile Justice Board, Begusarai in J.J.B. Case No. 74 of 2022 are, hereby, set aside and this criminal revision application 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 Juvenile Justice Board, Begusarai in Teghra P. S. Case No. 221 of 2021, subject to condition that one of the bailor will be maternal grandfather 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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