

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No. 869 of 2022**

Arising Out of PS. Case No.-244 Year-2021 Thana- DUMARIAGHAT District- East Cham-  
paran

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XX

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Advocate  
For the Respondent/s : Mr. Ganesh Prasad Singh, APP

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

2      03-02-2023                      Heard learned counsel appearing on behalf of the  
  
petitioner/revisionist and learned APP appearing on behalf of the  
  
State through Virtual Court proceeding.

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 XX.

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 27.07.2022 passed by the learned 1<sup>st</sup> Addi-



tional Sessions Judge cum Special Judge Children's Court, East Champaran at Motihari, in Cr. Appeal No. 25 of 2022 and order dated 06.06.2022 passed by the Juvenile Justice Board, East Champaran at Motihari, in J.J.B. Trial No. 1238 of 2022 arising out of Dumariyaghat P.S. Case No. 244 of 2021, 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 17 years 10 months 11 days, is not named in F.I.R., and is in custody/observation home since 10.01.2022.

Allegation against revisionist/petitioner is to commit robbery alongwith other co-accused persons and while committing so taken away empty pick up vehicle belong to informant.

Learned counsel appearing on behalf of the petitioner/revisionist submitted that petitioner remanded in present case from Turkauliya P.S. Case No.930 of 2021 which was registered for recovery of stolen master key and mobile phone. It is also submitted that in this case, the name of petitioner surfaced on the basis of confessional statement of co-accused, where no incriminating material recovered/surfaced during the course of investigations to connect petitioner with present occurrence of robbery.



It is also pointed out that petitioner involved in two more criminal cases, where he is on bail and in both these cases his name surfaced on the basis of confessional statement as of the present case. It is also submitted that nothing can be gathered adverse from Social Investigation Report (SIR) of petitioner so as to say that he may not groom to a good and law abiding citizen in future.

Learned counsel appearing on behalf of the petitioner/revisionist submitted that father of the juvenile petitioner, is ready to stand as a surety and furnish an undertaking that he 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 make all efforts to enable him to join the mainstream of society as good and law abiding citizen.

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

Having regard to the submissions advanced as above, and materials showing that the petitioner has been adjudged juvenile aged about 17 years 10 months 11 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 father is ready to stand as a surety and furnish an undertaking that if released on bail he 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, he 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 27.07.2022 passed by the learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge Children's Court, East Champaran at Motihari, in Cr. Appeal No. 25 of 2022 is set aside. Consequently, order dated



06.06.2022 passed by the Juvenile Justice Board, East Cham-  
paran at Motihari, in J.J.B. Trial No. 1238 of 2022 arising out of  
Dumariyaghat P.S. Case No. 244 of 2021 is also set aside.

The petitioner is directed to be released on bail on  
furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thou-  
sand only) with two sureties of the like amount each to the satis-  
faction of learned Juvenile Justice Board, East Champaran at  
Motihari, in J.J.B. Trial No. 1238 of 2022 arising out of Du-  
mariyaghat P.S. Case No. 244 of 2021

One of the sureties should be the father of the peti-  
tioner and he 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 Juve-  
nile Justice Board (J.J.B.), East Champaran at Motihari, regard-  
ing 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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