

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4443 of 2022**

Arising Out of PS. Case No.-16 Year-2020 Thana- MAHILA P.S District- West Champaran

AMIT PURI @ AMRIT PURI Son of Sri Lalu Puri Resident of Village-
Awrahiya, P.S.- Bettiah Muffasil (Banuchhapar), District- West Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.Ram Priya Sharan Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 08-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The present appeal has been filed against order dated 20.09.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC & ST Act), West Champaran at Bettiah in Special Case No. 7 of 2022 (arising out of Bettiah Sadar Mahila P.S. Case No. 16 of 2020), by which, the prayer for bail of petitioner has been rejected.

3. It is submitted on behalf of the appellant that after rejection of the bail application of petitioner (appellant herein) by this Court, vide order dated 18.05.2021 passed in Cr.Misc. No. 1794 of 2021 (Annexure 1), he was produced before the Juvenile Justice Board, West Champaran at Bettiah (hereinafter referred to as "J.J.Board") and after enquiry, his age was



assessed as 16 years & 5 months and the appellant was declared as 'child in conflict with law' (i.e. juvenile) and his trial was transferred to the Children's Court of 1st Addl. Sessions Judge, Bettiah, vide order dated 25.09.2021 and 23.10.2021 of the J.J.Board. It is further submitted on behalf of appellant that bail application of appellant was dismissed taking into consideration the gravity and nature of offence, which is contrary to the mandatory provisions of J.J.Act. There is no whisper as to whether any social investigation report was called for or not in respect of appellant. It is next submitted that appellant has got clean antecedent and he is in Observation Home since 04.06.2020.

4. 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 (hereinafter referred to as 'J.J.Act').

5. In view of aforesaid facts and circumstances as well as position of law as stated above, order dated 20.09.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge (SC & ST Act), West Champaran at Bettiah in Special Case No. 7 of 2022 (arising out of Bettiah Sadar Mahila P.S.



Case No. 16 of 2020) is, hereby, set aside and the appeal is allowed.

6. Accordingly, the above-named appellant 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 1st Additional Sessions Judge-cum-Special Judge (SC & ST Act), West Champaran at Bettiah in connection with Special Case No. 7 of 2022 (arising out of Bettiah Sadar Mahila P.S. Case No. 16 of 2020), subject to condition that one of the bailor will be father of the appellant and he (father of the appellant) would file an affidavit giving an undertaking to the effect that he will take care of good behaviour and child's (appellant's) well-being and will not allow him to go in the company of bad elements.

(Prabhat Kumar Singh, J)

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