

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.38 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- BUXAR INDUSTRIAL District- Buxar

Shahbaz Khan @ Shahbaz Khana Son Of Md. Taj Khan @ Taja Khan Under
Natural Guardianship Of His Father Md. Taj Khan @ Taja Khan, Resident Of
Village - Sarimpur, P.S.- Buxar (Industrial), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Adv.

For the Respondent/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 27-03-2023 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Informant.

Counsel for the petitioner submits that petitioner is
named in the F.I.R. but there is nothing alleged against him,
whatever allegation made in the F.I.R., it is against the father of
the petitioner. Counsel submits that petitioner has been declared
juvenile and he is apprehended in the observation home since
13.07.2022. Counsel submits that petitioner is having clean
antecedent and his mother is ready to take surety and furnish an
undertaking that if he shall be released on bail, she shall take
care of the petitioner. He also submits that one other child in
conflict with law has been granted bail by the Co-ordinate
Bench of this Court vide order dated 04.02.2023 in Cr. Revision

No. 795 of 2022. Counsel also submits that in the light of the case **Lalu Kumar and Ors. Vs. The State of Bihar** reported in **2019(4) PLJR 833**, the classification of 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 physiological danger; and*
- (iii) The release would defeat the ends of justice.”*

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, is directed to be released on conditions that his mother shall furnish a security and undertaking on behalf of the petitioner.

Accordingly, order judgment dated 17.11.2022 passed by the learned A.D.J.-Ist-cum-Special Judge (SC/ST and Children Court), Buxar in Cr. Appeal No. 69 of 2022 dated 19.09.2022 passed by the Juvenile No. 828 of 2022 arising out of Buxar (Industrial) P.S. Case No. 140 of 2022 under Sections

302, 201 and 34 of the I.P.C. is hereby **set-aside**.

With the aforesaid direction, this Cr. Revision is hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

U		T	
---	--	---	--