

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.42 of 2023**

Arising Out of PS. Case No.-20 Year-2022 Thana- MEDNI CHAUKI District- Lakhisarai

Punit Kumar, Son of Upendra Yadav, Child in conflict with law through his natural guardianship namely Upendra Yadav, Son of Natho Yadav, father of the child in conflict with law, r/v Paharpur, P.S- Medni Chowki Dist-lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi
For the Respondent/s : Md. Ataur Rahman

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

2 16-02-2023 Heard learned counsels for the parties.

This criminal revision has been filed against order dated 16.11.2022 passed by learned Additional Sessions Judge 1st, Lakhisarai in Cr. Appeal No. 39 of 2022 whereby, appeal of the petitioner was rejected confirming the order dated 17.10.2022 passed by Juvenile Justice Board, Lakhisarai in Medni Chowki, P. S. Case No. 20 of 2022.

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. The petitioner has been declared juvenile



on 13.10.2022 by Juvenile Justice Board, Lakhisarai.

Prayer for bail of the petitioner was rejected by both the Juvenile Justice Board as well as the appellate court on the basis of the Social Investigation Report which suggests that petitioner is thoroughly undisciplined and used to bunk the classes. This cannot be the ground to reject the bail application of the petitioner. Petitioner has got clean antecedent and he is in observation home since 15.02.2022.

For the aforesaid reasons, order dated 16.11.2022 passed by learned Additional Sessions Judge 1st, Lakhisarai in Cr. Appeal No. 39 of 2022 and order dated 17.10.2022 passed by Juvenile Justice Board, Lakhisarai 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 Additional Sessions Judge, 1st, Lakhisarai in Cr. Appeal No. 39 of 2022 arising out of Medni Chowki P. S. Case No. 20 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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