

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.47 of 2024

Arising Out of PS. Case No.-33 Year-2023 Thana- SAKRI District- Madhubani

Nitish Kumar Das @ Nitish Kumar Son of Sri Dinesh Das R/o vill - Sibotar Das Tola, Sakari, P.s. - Sakari, Distt. - Madhubani through his father and natural guardian Dinesh Das, aged about 42 years son of Sri Yogi Das, R/o vill - Sibotar Das Tola, Sakari, P.S. - Sakari, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Purushttom Kumar, Advocate Mr. Ajay Kr Thakur, Advocate
For the Respondent/s	:	Mr. Md. Fahimuddin, APP
For the Opposite Party No. 2	:	Mr. Abhishek Anand, Advocate Madhuri Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-05-2024

Heard learned counsel for the parties.

2. The present revision has been filed against order dated 01.12.2023, passed by the learned 1st Additional Sessions Judge-cum-Children Court, Madhubani in Juvenile Appeal No. 46 of 2023 passed by the Children Court, Madhubani in G.R. No. 364 of 2023 arising out of Sakri Police Station Case No. 33 of 2023 lodged for the offence punishable under Sections 302 and 120(B) of Indian Penal Code, by which, the bail application of the petitioner has been rejected.

3. As per the prosecution case, informant's son Ugan Kumar aged 19 years left the house with hi co-villager. He did not return till late night and his mobile was also switched off. Thereafter, he along with his family members started looking for his son but they could not trace him. On 13.3.2023, they found the dead body of Ugan Kumar at Sakari in Sivotar Das Tola



covering with Jalkumbhi. Informant suspected that his son has been killed by the petitioner due to old dispute.

4. It is submitted on behalf of the petitioner that the petitioner has been declared juvenile. His date of birth is 05.06.2007 and on the date of occurrence he was of 15 years and 09 months and 08 days. Petitioner is in custody since 14.03.2023.

5. 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'). The Social Investigation Report, submitted by Legal-cum-Probation Officer in respect of the petitioner, is not adverse and there is no such finding to the affect that release of the petitioner will expose him to moral, physical or psychological danger or will fall in association with criminals or his release would defeat the ends of justice. The bail application of the petitioner has been rejected by the learned court below taking into consideration the nature of allegation and gravity of the offence, which is not in consonance with Section 12 of the J.J.Act.

6. At the time of considering the bail matter of a juvenile, the merit of the case or nature and gravity of allegation have no relevancy and are not ground to deny bail to a juvenile, rather the learned court below is required to look into the aspects, which are enumerated in Section 12 of the J.J. Act and Social Investigation Report.

7. Considering the rival submissions of the parties as also the Social Involvement Report and the position of law as stated above, order 01.12.2023 is, hereby, set aside and the



revision application is allowed.

8. 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 learned Juvenile Justice Board, Madhubani in connection with Sakri P.S. Case No. 33 of 2023, subject to condition that one of the bailors 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) will-being and will not allow him to go in the company of bad elements.

(Prabhat Kumar Singh, J)

shashi/-

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

