

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.60 of 2024

Arising Out of PS. Case No.-280 Year-2022 Thana- DANAPUR District- Patna

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Bajrangi Kumar @ Puchhiya @ Pochhi Son Of Bijay Rai R/O-104, Daldali Road, Gola Ghat, Shahtoli, Bhatti Par, P.S.-DANAPUR, Distt.-PATNA, Through His Mother Baby Devi Wife Of Bijay Rai

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Niraj Kumar, Advocate

For the Respondent/s : Mr.Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 05-03-2024 The instant Revision is directed against an order dated 19.10.2023 passed by learned Addl. District and Sessions Judge-1st-cum-Special Judge, Children Court, Patna in Criminal Appeal No. - 148 of 2023, whereby the prayer for bail of the petitioner was rejected.

02. The petitioner was booked in connection with Danapur P.S. Case No. 280 of 2022 registered under Sections 302, 120(B) and 34 of the IPC and under Section 27 of the Arms Act corresponding to JJB Case No. 332 of 2022.

03. The FIR discloses the complicity of the petitioner in the following words:-

“The Child in Conflict with Law (hereinafter referred to as the “CICL” for short) about 2/3 days before the occurrence



called the son of the informant and took her to some unknown place. After about one hour, the son of the informant returns to his house. He came to know that all the accused persons abused him and assaulted him. On the date of occurrence, the son of the *de facto* complainant was murdered and she suspected that the accused persons, including the CICL, committed murder of her son.”

04. Learned Advocate for the petitioner submits that in the instant case, the co-accused person has already been released on bail. The petitioner prayer for bail was rejected on the basis of social investigation report where it was stated that he used to earn some money by selling milk, but he did not pay the profit to his parents.

05. This Court is of the view that only on these grounds prayer for the bail of juvenile cannot be rejected. Moreover, Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, clearly states that the juvenile should be granted bail in all bailable or non-bailable offences. The proviso to Section 12(1) does not attract in respect of this juvenile.

06. Accordingly, the impugned order passed in Criminal Appeal No. 148 of 2023 dated 19.10.2023 by the Addl.



District and Sessions Judge 1st -cum- Special Judge, Children Court, Patna is quashed and set aside.

07. Accordingly, this Court is of the view that the petitioner should be enlarged on bail.

08. The petitioner be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Patna in connection with JJB Case No. 332 of 2022, arising out of Danapur P. S. Case No. 280 of 2022 with condition that one of the sureties shall be his parent, who will undertake that, in future, he will not allow the CICL to be exposed to social, moral and psychological danger and restrict him from being associated with the criminals.

09. The revisional application is thus allowed.

(Bibek Chaudhuri, J)

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