

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.159 of 2024

Arising Out of PS. Case No.-300 Year-2022 Thana- MAHARAJGANJ District- Siwan

Ritesh Kumar @ Ritesh Kumar Patwa Under the guardianship of his Mother
namely Nirmala Devi, Wife of Late Kanhaiya Patwa Resident of Mohalla-
Purani Bazar, Maharajganj, Police Station- Maharajganj, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Respondent/s

Appearance :

For the Petitioner/s :Mr.Raghav Prasad, Advocate

For the Respondent/s :Mr.Awadhesh Kumar Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-05-2024 Heard learned counsel for the parties.

2. The present appeal has been filed against order dated 10.1.2024, passed by the Presiding officer, Juvenile Court cum 1st Additional Sessions Judge, Siwan in Cr.Appeal No. 26 of 2023 affirming order dated 8.9.2023, passed by the Jivenile Justice Board, Siowan in JE No. 190 of 2023 arising out of Maharajganj Police Station Case No. 300 of 2022 lodged for the offence punishable under sections 307, 302, 504, 506/34 and other allied sections of the IPC, by which, the bail application of the petitioner has been rejected.

3. As per the prosecution case, petitioner and other accused persons assaulted the informant's brothers by means of sword due to which they sustained injuries and one of his



brothers died on the way to the hospital.

4. It is submitted on behalf of the petitioner that the petitioner has been declared juvenile. His date of birth is 16.1.2009 and on the date of the occurrence he was of 13 years and 8 months and 27 days. Petitioner is in custody since 31.7.2023.

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 effect 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 dated 10.1.2024 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 the Presiding officer, Juvenile Court cum 1st Additional Sessions Judge, Siwan in Maharajganj Police Station Case No. 300 of 2022, subject to condition that one of the bailors will be mother of the petitioner and she would file an affidavit giving an undertaking to the effect that she will take care of good behaviour and child’s (petitioner) well-being and will not allow him to go in the company of bad elements.

(Prabhat Kumar Singh, J)

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