

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.180 of 2024

Arising Out of PS. Case No.-684 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Sonu Kumar Son of Shree Niranjan Kumar @ Niranjan Kumar Resident of vill.-Ramdiri, Ward No.-2, P.S.-Matihani, Distt.-Begusarai. Through his mother as a guardian namely Nish Devi @ Nisa Devi, Female, aged about 43 years, wife of shree Niranjan Kumar @ Niranjan Kumar, Resident of vill.-Ramdiri, Ward No.02, P.S.-Matihani, Distt.-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Respondent/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-05-2024 Heard learned counsel for the parties.

2. The present revision has been filed against order dated 15.01.2024, passed by the learned Additional Sessions Judge 1st -cum- Presiding Officer Children Court, Begusarai in Juvenile Appeal No. 46 of 2023 passed by the Learned Juvenile Justice Board, Begusarai in the JJB Case No. 147 of 2023 arising out of Town Police Station Case No. 684 of 2022 lodged for the offence punishable under Sections 398, 307 and 34 of Indian Penal Code and also under Section 27 of the Arms Act and later on section 302 of I.P.C., by which, the bail application of the petitioner has been rejected.

3. As per the prosecution case, unknown miscreants came to the informant's shop and fired shots in which a private guard received fire arms injury and died during treatment.

4. Petitioner's name has come in this case during course of investigation on the basis of confessional statement of



co-accused. It is submitted on behalf of the petitioner that the petitioner has been declared juvenile. His date of birth is 05.03.2007 and on the date of occurrence he was of 15 years and 08 months and 08 days. Petitioner is in custody since 19.03.2023.

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 15.01.2024 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 learned Juvenile Justice Board, Begusarai in connection with Town P.S. Case No. 684 of 2022, 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	
---	--	---	--

