

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.242 of 2024

Arising Out of PS. Case No.-583 Year-2023 Thana- MUFFASIL District- West Champaran

Ayush Kumar Son Of Sri Sanjiv Kumar Resident Of Village - Barwat Pasrain,
Ward No.10, P.S. - Bettiah Muffasil, District - West Champaran, Through His
Father / Guardian, Sri Sanjiv Kumar, About 46 Y/M, Son Of Sri Audh
Kishore Prasad, Resident Of Village - Barwat Pasrain, P.S. - Bettiah Muffasil,
District - West Champaran

... .. Petitioner

Versus

1. The State Of Bihar
 2. Abhimanyu Kumar Son Of Sri Braj Kishore Sah Resident Of Village -
Godwa Tola, Ward No.37, P.S. - Bettiah Muffasil, District - West Champaran
- Respondents

Appearance :

For the Petitioner	:	Mr.Sharad Kumar Verma, Advocate
For the Respondents	:	Mr.Anil Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-05-2024 Heard learned counsel for the parties.

2. The present appeal has been filed against order dated 21.2.2024, passed by the Additional Sessions Judge I cum Children Court, Bettiah, West Champaran in Cr.Appeal No. 2 of 2023 affirming order dated 5.12.2023, passed by the Juvenile Justice Board, Bettiah, West Champaran in JJB Case No. 1278 of 2023 lodged for the offence punishable under sections 324, 307, 302/34 of the IPC as well as under sections 3(1)(r)(s) and 3(2)(v) of the SC/ST Act, by which, the bail application of the petitioner has been rejected.

3. As per the prosecution case, unknown accused persons stabbed in the neck of the informant's brother who died during treatment.

4. It is submitted on behalf of the petitioner that the the name of petitioner has come in the case during investigation on the basis of suspicion raised against him. Learned counsel



submits that save and except suspicion, there is no other direct or indirect evidence against the petitioner to show his complicity in the occurrence. Petitioner has been declared juvenile. On the date of the occurrence, he was 13 years, 5 months and 13 days old. Petitioner is in custody since 7.9.2023. Father of the petitioner undertakes to look after the petitioner if he is released on bail.

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, has not been called for or the same has not been considered 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 21.2.2024 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 Principal Magistrate, JJ Board, Bettiah, West Champaran in JJB Case No. 1278 of 2023, Bettiah Mufassil Police Station Case No. 583 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) well-being and will not allow him to go in the company of bad elements.

(Prabhat Kumar Singh, J)

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