

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.250 of 2024

Arising Out of PS. Case No.-916 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Sameer Raj @ Rajan Kumar Son Of Manoj Paswan Resident Of Village - Kabaiya Road, Ward No.26, Police Station - Kabaiya, District - Lakhisarai, Under Guardianship And Natural/Legal Guardian Of His Father Namely Manoj Kumar @ Manoj Paswan, Son Of Munni Lal Paswan, Resident Of Village - Naya Bazar, Kabaiya, P.S. - Kabaiya, District - Lakhisarai

... .. Petitioner

Versus

The State Of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-05-2024

Heard learned counsel for the parties.

2. The present appeal has been filed against order dated 16.2.2024, passed by the Additional Sessions Judge I cum Special Judge SC/ST Lakhisarai in a case registered for the offence punishable under sections 341, 307, 326/302 of the IPC and sections 25(1-B)(a), 26/27 of the Arms Act, by which, the bail application of the petitioner has been rejected.

3. As per the prosecution case, co-accused Ashish Chaudhary @ Chhotu made indiscriminate firing on the informant and his family members causing them injuries. Two of the family members of the informant died during treatment.

4. It is submitted on behalf of the petitioner that the the petitioner is alleged to have talked with the main assailant and he passed on the information regarding activities of the



informant to the main assailant. Learned counsel submits that the petitioner has been declared juvenile on 22.1.2024 by the JJB, Lakhisarai. On the date of the occurrence, petitioner is 17 years 3 months and 5 days old. Petitioner is in observation home since 22.1.2024.

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 16.2.2024 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 Additional Sessions Judge cum Special Judge, SC/ST Act, Lakhisarai in Lakhisarai (Kabaiya) Police Station Case No. 916 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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