

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.436 of 2023

Arising Out of PS. Case No.-150 Year-2022 Thana- GUTHANI District- Siwan

RAJU KUMAR son of Ramayan Paswan @ Ramayan Dusadh Village-
Daraila Ps- Guthani Dist- Siwan under the guardianship of his mother
Ramavati Devi wife of Ramayan Paswan @ Ramayan Dusadh

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 05-03-2024 Heard learned advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. Guthani P.S. Case No.150 of 2022 was registered on 18.06.2022 under Section 302/34 of the Indian Penal Code, on the basis of a written complaint submitted by one Paras Singh alleging inter-alia that one Deepak Singh was murdered inside a Brick-kiln by certain named and unnamed accused persons. Amongst the named accused persons in the F.I.R., there was Child In Conflict With Law (CICL) as one of the perpetrated of offence.

3. The CICL was accordingly arrested and was produced before the Juvenile Justice Board. An application for bail was filed on behalf of the CICL, the said application having



been rejected, CICL preferred Criminal Appeal No. 06 of 2023 under the provision of Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 with the same prayer for bail. The Appeal Court also rejected the application for bail on consideration of Social Investigation Report (S.I.R.).

4. It is submitted by the learned advocate for the petitioner that the petitioner is in protective home since 09.06.2022 even if he is held guilty, he may be punished for imprisonment which may extent to three years. Out of the said three years, he is already incarceration for about two years, therefore, the petitioner should be released on bail on any condition.

5. I have perused the impugned order, in the impugned order, the Court of Appeal duly considered the provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

6. The appeal court also considered the judgment of this Court in the case of *Lalu and others Vs. State of Bihar* and recorded that seriousness, heinousness or severity of offence are not the grounds for rejection of bail of a CICL.

7. The Court of Appeal considered his Social Investigation Report and found that if the accused is released on



bail there is every chance that he would makes with other known and dreaded accused and will turned into a seasoned criminal in future.

8. On perusal of the Social Investigation the Court of Appeal found that the CICL is habituated to liquor. CICL alongwith his friends and associates were engaged in committing immoral act with several women. Criminality and culpability of CICL can be ascertained on the fact that when the deceased asked them not to do such illegal and immoral act under the influence of liquor with the women who were also present along with them. He was fatally assaulted, as a result of injury he died. Thus, the Court of Appeal held that the parents of CICL will not be able to control their son, if he is released on bail and there is every possibility that he will again take the path of criminality.

9. On careful perusal of the impugned order, I do not find any illegality or irregularity in the impugned order and accordingly, the instant revision is dismissed.

(Bibek Chaudhuri, J)

mdrashid/-

U		T	
---	--	---	--

