

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3140 of 2023

Arising Out of PS. Case No.-205 Year-2020 Thana- BAHADURPUR District- Patna

GULAMUDDIN @ GULAM MOHAMMAD @ GULAM MOHIUDDIN @
AMAN son of Md. Naushad Alam R/o- New Azimabad Colony Sector D Ps-
Bahadurpur Dist- patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pramod Kumar
For the Respondent/s : Mr.Abha Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 15-05-2024 Heard learned counsel for the appellant and learned
APP for the State.

2. This criminal appeal has been preferred against the judgment dated 30.09.2021 passed in Special (Child) Case No. 08 of 2021, arising out of Bahadurpur Case No. 205 of 2020 by learned Additional District and Sessions Judge-Ist, Patna whereby the learned court below has rejected the prayer for bail of the appellant registered for the offences under Sections 302, 120B, 379, 34 of the Indian Penal Code.

3. As per first information report, the dead body of the deceased was found on the road. The informant mentioned in her *fardbeyan* that someone after killing his son, has thrown the dead body on the road.

4. Learned counsel for the appellant submits that,



admittedly, the appellant is juvenile and as per the provisions of Section 12 of Juvenile Justice (Care and Protection of Children) Act 2012, in case of a juvenile, the gravity of offence cannot be looked into, while considering the bail of a juvenile. He has submitted further that the appellant is a person of clean antecedent.

5. From bare perusal of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, it appears that a juvenile has to mandatorily be granted bail except the conditions provided under proviso of Section 12. These are the three conditions:-

(i) If there is reasonable grounds for believing that the release of the juvenile would likely to bring him into contact of any known criminal.

(ii) If there is likelihood of his exposure to the said person and if there is moral, physical or psychological danger might be possible to be occurred to the juvenile.

(iii) His release would defeat the ends of justice.

6. Neither of these three conditions were mentioned in the impugned order dated 30.09.2021, whereby the learned Court below refused the bail to the appellant.

7. Considering the above-mentioned facts and



circumstances, this criminal appeal is allowed and the order dated 30.09.2021 passed by the learned court below in Special (Child) Case No. 08 of 2021, arising out of Bahadurpur Case No. 205 of 2020 is set aside.

8. Let the appellant, who has already been declared juvenile by the learned Juvenile Justice Board, be released in favour of his parents on execution of surety bond of Rs. 10,000/- (ten thousand) to the satisfaction of learned Additional District and Sessions Judge-Ist, Patna with the condition that the mother of the appellant shall furnish an undertaking that after release on bail, he will not allow the appellant to come in company/association with any criminal or anti social elements and he will take proper care of the appellant. Further, the appellant will be produced as and when required by the court below and shall cooperate during the trial.

(Nawneet Kumar Pandey, J)

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