

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.649 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- JAMOBABAZAR District- Siwan

Prashant Kumar Singh @ Golu Kumar Son of Ramesh Singh Resident of Village - Barhoga, P.S.- Jamobazar, District - Siwan. under the guardianship of sema Devi (Mother).

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate
For the Respondent/s : Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 05-03-2024 Heard learned advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is a Child In Conflict With Law (CICL). He was booked in connection with Jamobazar P.S. Case No.167 of 2021 for the offence punishable under Sections 147, 149, 341, 324, 323, 325, 307 with added Section 302 of the Indian Penal Code. After his arrest the petitioner was produced before the Juvenile Justice Board, the Board refused the prayer for bail of the Juvenile. Against the said order the petitioner preferred an appeal which was registered as Criminal Appeal No.44 of 2022 challenging the order of rejection of bail. The learned Additional Sessions Judge-I, Siwan dismissed the appeal and affirmed the order of the Board of rejection of the prayer for



bail of the petitioner.

3. The instant revision is directed challenging the legality, validity and propriety of the order passed in Criminal Appeal No.44 of 2022.

4. It is clearly stated in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter described as the 'said Act') that a person who is implicated in a criminal offence and is found apparently to be a child he should generally be released on bail. Section 12 runs thus :-

“12. Bail to a person who is apparently a child alleged to be in conflict with law.- (1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:

Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, and the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

(2) When such person having been apprehended is not



released on bail under subsection (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home [or a place of safety, as the case may be,] in such manner as may be prescribed until the person can be brought before a Board.

(3) When such person is not released on bail under sub-section (1) by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.

(4) When a child in conflict with law is unable to fulfill the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail”.

5. Proviso to Section 12 states that the CICL shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the person to moral, physical or psychological danger or the person's release would defeat the ends of justice, the Board shall record the reasons for denying the bail and circumstances that led to such a decision.

6. In the instant case the CICL in association with other major criminals physically assaulted the victim by Farsa and other sharp cutting weapons. The victim was taken to hospital for medical treatment, he was admitted there and subsequently, he succumbed to his injuries. The Court of Appeal



duly considered in Paragraph No.7 of the judgment the observations 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. Applying the proviso to Section 12 the appeal Court refused to grant bail to the CICL.

8. On perusal of the impugned order, I do not find any illegality or material irregularity, therefore, the instant revision being devoid of any merit, is dismissed.

(Bibek Chaudhuri, J)

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