

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.122 of 2025

Arising Out of PS. Case No.-39 Year-2024 Thana- PAUTHU District- Aurangabad

XXXXXX Juvenil in Conflict with law, Son of Late Pramod Mahto @ Pramod Kumar Resident of Village- Itwan, Wazirpur, P.S -Pauthu, District -Aurangabad, Under the Guardianship of his Mother Namely Urmila Devi, W/o Late Pramod Kumar, Resident of Village Itwan, Wazirpur, P.S- Pauthu, District -Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Singh, Advocate
For the Respondent/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 10-04-2025 The instant revision under Section 102 of the Juvenile Justice Act is taken up for hearing in the presence of the learned Advocates on behalf of the petitioner and the State.

2. The petitioner, through his legal guardian, has challenged an order passed by the learned Special Judge, Children Court at Aurangabad (Bihar) and Criminal Appeal No. 52 of 2024 dated 27th November 2024, affirming the order of rejection of bail of the petitioner. It is pertinent to mention at the outset that Pauthu P.S. Case No. 39 of 2024 dated 19th May 2024 was initially registered against the petitioner under Section 341/323/447/506 of the IPC, and subsequently, Section 302 of the IPC and Section 3(2)(va) of the SC/ST Act were added in



the FIR vide order dated 03.07.2024.

3. The prosecution story of the instant case in brief is that on 17th May 2024, some children of the village were playing hockey. During play, a mutual fight took place between the petitioner and the deceased, and in the course of such fighting, the petitioner assaulted the deceased with the help of a *lathi* on his head, causing serious injury, and he became unconscious. The victim was taken to the hospital, where he was declared dead.

4. It is further submitted by the learned Advocate appearing on behalf of the petitioner that the prosecution case was concocted. The fact remains, while playing hockey on the date of occurrence, accidentally, the deceased was hit on his forehead by a ball and received serious injury and ultimately breathed his last. It is also contended on behalf of the petitioner that the petitioner was only 14 years old at the time of the said incident. He has been in an observation home since 5th July, 2024. Therefore, the learned Advocate for the petitioner has prayed for dismissal of the order passed by the learned appellate court in Criminal Appeal No. 52 of 2024 affirming the order dated 14th August 2024 passed by the learned Principal Magistrate, JJB, Aurangabad.



5. I have perused the above-mentioned two orders; the learned ACJM-cum-Principal Magistrate, JJB, Aurangabad, held that the deceased died because of the fact that the juvenile could not control his anger and assaulted him brutally. It is also observed by the learned Principal Magistrate that the murder of the juvenile could not control him in a proper manner. The court of appeal affirmed the order passed by the JJB, Aurangabad, assigning the same reason. On due consideration of the above-mentioned order, this Court finds that neither the Board nor the appellate court considered the provision of Section 12 of the JJ (Care and Protection of Children) Act, 2015. There is no discussion whatsoever that if the juvenile is released, it would likely bring him into association with known criminals or expose him to moral, physical, or psychological danger.

6. Even if the prosecution case is believed in its face value, this Court finds that there was a fight between two juveniles, and in the course of the fight, the CICL assaulted him on his head. There is nothing on record that the specific act, alleged to have been committed by the CICL, was done with the knowledge to commit murder of the victim.

7. For the reasons stated above, the instant revision is allowed. The orders passed by the JJB in JJB No. 1291/24 and



affirmed by the court of appeal in Criminal Appeal No. 52 of 2024 dated 27th November 2024 are dismissed. The petitioner may find bail on his executing a bail bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be a close relative of the petitioner, with the further condition that the petitioner shall remain under the supervision of the probation officer till the disposal of the case, and the probation officer shall file a report after the expiry of every three months (quarterly) stating the manner and behavior of the petitioner before the Board. Further, if any adverse report is filed against the petitioner by the probation officer, the JJB shall be entitled to reject the order of bail to the petitioner without further reference to this Court.

8. The instant revision is thus disposed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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