

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.583 of 2024

Arising Out of PS. Case No.-626 Year-2023 Thana- BUDDHACOLONY District- Patna

Bhola Kumar @ Dipanshu @ Dipanshu Kumar Son of Ramesh Mahto R/O South Mandiri, Kath Pool, P.s.- Buddha Colony, Dist.- Patna. Under Guardianship of his mother Mrachhiya Devi, W/O Ramesh Mahto, Aged about 57 years, (Female), R/O Near South Mandiri ,Near Munshi Lodge, P.s.- Buddha Colony, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Adv.

For the Respondent/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

4 01-05-2025 The C.I.C.L., who is booked in connection with Buddha Colony P.S. Case No. 626 of 2023, under Section 302 of the I.P.C., has filed the instant criminal revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter described as the said Act), challenging legality, validity and propriety of the order, passed by the learned Special Judge, Children Court, Patna in Criminal Appeal No. 78 of 2024, affirming the order of rejection of bail of the C.I.C.L. by the Juvenile Justice Board, vide order dated 25th May, 2024.

2. Learned Advocate for the petitioner at the outset submits that on the date of commission of alleged offence, the C.I.C.L. was 14 years, 3 months and 14 days old. The F.I.R. was registered against unknown persons. C.I.C.L. was not named in



the F.I.R. He was arrested in connection with the above mentioned case on the basis of statement made by a co-accused is not admissible against another accused, who is a child in conflict with law at the relevant point of time.

3. The learned A.P.P. has raised objection against the prayer for bail of the C.I.C.L.

4. It is needless to say that while considering the application for bail of a C.I.C.L., best interest of child is required to be looked into. In the instant case, prosecution failed to prove that during investigation some incriminating material was recovered against the C.I.C.L. or that the case diary did not inspire the courts below to grant bail to the C.I.C.L.

5. It is needless to say that while considering the prayer for bail of the C.I.C.L., the Court should proceed with a presumption of intentions of the C.I.C.L.

6. Considering such aspect of the matter and bearing in mind the legal provision as to the provision of bail contained in the said Act, I am not in a position to concur with the finding of both the courts below.

7. Accordingly, the order dated 21st June, 2024, passed by the learned Additional District & Sessions Judge 1st -cum- Special Judge, Children Court, Patna in Criminal Appeal No. 78



of 2024 and also order dated 25th May, 2024, passed by the learned Juvenile Justice Board, Patna in J.J.B. No. 850 of 2023 are set aside.

8. Considering all such aspect of the matter, the petitioner is directed to be released from custody in connection with Buddha Colony P.S. Case No. 626 of 2023, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each, one of whom must be one of the parents of the petitioner, to the satisfaction of learned Juvenile Justice Board, Patna, with further condition that if on bail, the jurisdictional Probation Officer shall remain in touch with the petitioner and submit quarterly report to the learned Juvenile Justice Board, Patna about the antecedent of the petitioner.

9. If any adverse report is received, the Juvenile Justice Board is at liberty to cancel the order of bail of the petitioner without further reference to this Bench.

(Bibek Chaudhuri, J)

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