

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.644 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- KHUTAUNA District- Madhubani

Ranjan Kumar Yadav @ Ranjan Kumar, S/o- Dukhi Yadav, Under Guardianship of his father - Dukhi Yadav, Village- Mansapur, P.S.- Laukahi District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Brajesh Kumar Son of Harimohan Kamat Village- Chharapatti W.No-13, PS- Khutauna Dist- Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Lakshmindra Kumar Yadav, Advocate
For the Respondent/s	:	Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 02-04-2025 1. This is an application under Section 102 of the Juvenile Justice (Care and Protection of Children), Act 2015, challenging legality, validity and propriety of an order dated 27th of June, 2024, passed by the Learned Additional Session Judge-1-cum-Special Judge, Children Court, Madhubani, rejecting the petitioner's application for bail.

2. That on 19th of January, 2024, one Brajesh Kumar made a statement before the SHO, Khutauna Police Station, stating, inter alia, that on the same date at about 05:40 P.M, he was travelling by his motorcycle to Rajnagar to join the service in Bharat Finance. While travelling, the informant was illegally restrained by four unknown persons, and they tried to



snatch away the motorcycle of the informant. When the informant resisted them, they abused him, and one of the accused assaulted him on his nose with the butt of gun, resulting in bleeding injury. The miscreants were successful in taking away the motorcycle of the informant.

3. It is submitted by the learned Advocate for the petitioner that he is not named in the F.I.R. He was apprehended on the basis of a statement made by a co-accused which is not admissible in evidence. Thirdly, and most importantly, the petitioner was aged about 17 years, 11 months and 18 days on the date of commission of offence, and therefore, he is a juvenile. The learned Special Judge failed to consider the requirements of Section 12 of the Juvenile Justice (Care and Protection of Children), Act 2015 and refused to grant bail to the petitioner.

4. Therefore, the learned Advocate for the petitioner invites this Court to apply the provisions of revisional jurisdiction of this Court under Section 102 of the said Act.

5. I am in conformity with the learned Advocate for the petitioner that the petitioner was not named in the FIR and he was arrested on the basis of a statement made by a co-accused. I also find that one of the co-accused, namely Ranjay



Yadav, was granted bail by a Coordinate Bench of this Court in Criminal Miscellaneous No. 62199 of 2024, vide an order dated 4th September 2024.

6. It is submitted by the learned Advocate for the petitioner that the petitioner being on same footing should be released on bail.

7. Having heard the learned Advocate for the petitioner and the learned APP for the State and on careful perusal of the materials on record, this Court finds that the petitioner was only 12 days away from his majority. The petitioner had sufficient knowledge and maturity about the act and its consequences, which has allegedly been committed with the informant. It is true that on the basis of a statement made by co-accused, a person without any material cannot be detained in custody for the sake of investigation. However, the order passed in Cr. Misc. No. 62199 of 2024 dated 4th September 2024 shows that the stolen motorcycle was recovered from the possession of the present petitioner.

8. In view of such recovery of stolen property and the manner of involvement of the petitioner in committing the offence along with other miscreants during dawn of a day does not inspire to take a contrary view against the impugned order.



9. For the reasons stated above, this Court is not inclined to release the accused on bail.

10. Therefore, prayer for bail is, thus, rejected.

(Bibek Chaudhuri, J)

uttam/-

U			
---	--	--	--

