

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.748 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- CHAKIA District- East Champaran

Rohit Kumar Minor Son of Raghunath Das Through his father natural guardian Raghunath Das, Age-51, Son of Bhagal Das, Resident of Village -Banjula, PS- Chakia, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Adv.

For the Respondent/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 01-05-2025 This is an application under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (herein after described as the said Act) assailing the order passed by the Juvenile Justice Board, East Champaran at Motihari, in J.J.B. Trial No. 1656 of 2023 on 17th October, 2023 and affirmed in Criminal Appeal No. 6 of 2024, by the learned Special Judge, Children's Court, East Champaran, Motihari, vide order dated 12th June, 2024, rejecting the prayer for bail of the C.I.C.L.

2. The C.I.C.L. is booked in connection with Chakia P.S. Case No. 47 of 2023, registered under Sections 25(1-b)a/26/35/27 of the Arms Act.

3. The prosecution case discloses that on 4th February, 2023 a Police party attached to Chakia Police Station conducted



raid and arrested C.I.C.L. at the spot while he was trying to flee away along with another accused. On search, a country made firearm loaded with 8 mm cartridge was recovered from the possession of the C.I.C.L. Some live cartridges were also recovered from him.

4. It is alleged by the de facto complainant that then the miscreants were chased on suspicion, they including the present C.I.C.L. opened fire at the Police party and tried to flee away.

5. Learned Advocate on behalf of the C.I.C.L. submits that while considering an application for bail, best interest of child is required to be considered. Section 12 of the said Act clearly states, but for three limited exceptions bail shall be granted to the child in conflict with law without considering the nature and gravity of offence. The said exceptions are:-

(i) The release is likely to bring into association with known criminal.

(ii) The release is likely to expose him to moral, physical and psychological danger.

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

6. It is no longer res integra that an application for bail cannot be decided by reference to classification of offence as



bailable or non-bailable under the Cr.P.C. Nature of offence is not the determining factor for granting bail to the C.I.C.L. Therefore, this Court is under obligation to see as to whether the case of the C.I.C.L. falls within the three exceptions carved out in Section 12(i) of the said Act. It is found from the materials on record as well as the impugned order that the C.I.C.L. has already been made accused in four other cases and those cases disclose the offence of dacoity with other accused persons.

7. Thus, this Court finds that the C.I.C.L. is already in association with other criminals known to him and he along with other criminals are involved in committing such offence at different places. The C.I.C.L. at the age of his minority has been sustaining a culpable mental state to commit serious offence and he was in possession of firearm and live cartridges.

8. Considering the above fact, the instant criminal case falls within the exception of one Clause of Section 12(i) of the said Act.

9. This Court is of the considered view that if the C.I.C.L. be released on bail, there is every chance of his being associated with the known criminals.

10. For the reasons stated above, I am not inclined to release the C.I.C.L. on bail.



11. The prayer for bail of the C.I.C.L. is thus refused.

12. The instant criminal revisional application is
dismissed on contest.

(Bibek Chaudhuri, J)

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