

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.789 of 2024

Arising Out of PS. Case No.-111 Year-2024 Thana- MADHUBANI TOWN District-
Madhubani

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1. Md. Sajid S/o- Md. Shahid Village- Radhonagar Bhavara PS- Town Distt-
Madhubani
 2. Jabiullah Son of Md. Wajiullah Village- Radhonagar Bhavara PS- Town
Distt-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Atif Zakka Son of Jakaullah Village- Radhonagar Bhavara PS- Town
Distt-Madhubani

... .. Respondent/s

with
CRIMINAL REVISION No. 754 of 2024

Arising Out of PS. Case No.-111 Year-2024 Thana- MADHUBANI TOWN District-
Madhubani

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1. Md. Mozmil S/O Md. Sagir Under the Guardianship of his father namely
Md. Sagir, R/O Village- Radhonagar, Bhavara, P.S- Town, Distt.-
Madhubani
 2. Md. Madshir S/O Md. Sagir Under the Guardianship of his father namely
Md. Sagir, R/O Village- Radhonagar, Bhavara, P.S- Town, Distt.-
Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Atif Zakka S/O Jakaullah R/O Village- Radhonagar, Bhavara, P.S-
Town, Distt.- Madhubani

... .. Respondent/s

with
CRIMINAL REVISION No. 943 of 2024

Arising Out of PS. Case No.-111 Year-2024 Thana- MADHUBANI TOWN District-
Madhubani

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1. Md. Abdullah @ Abdullah Son of Ziyaullah Ansari @ Ziyaullah Village-
Radhonagar, Bhavara PS -Town Distt -Madhubani
 2. Md. Fahim @ Fahim Son of Sakir Ansari @ Sakir Village- Radhonagar,
Bhavara PS -Town Distt -Madhubani



... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Md. Atif Zakka son of Jakaulah Village- Radhonagar, Bhavara PS -Town Distt -Madhubani

... .. Respondent/s

Appearance :

(In CRIMINAL REVISION No. 789 of 2024)
For the Petitioner/s : Mr.Ratnakar Jha
For the Respondent/s : Mr.J.N.Thakur, APP
(In CRIMINAL REVISION No. 754 of 2024)
For the Petitioner/s : Mr.Ratnakar Jha
For the Respondent/s : Mr.Ajit Kumar
(In CRIMINAL REVISION No. 943 of 2024)
For the Petitioner/s : Mr.Ratnakar Jha
For the Respondent/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 28-04-2025 Heard the learned counsel for the parties.

2. The present criminal revision applications are directed against the orders dated 06.08.2024 and 28.09.2024 passed in Juvenile Appeal Nos. 18/2024 and 22/2024, passed by learned 1st Addl. Sessions Judge-cum-Juvenile Court Madhubani in Madhubani Town P.S.Case No. 111 of 2024, whereby the appeals filed on behalf of the appellants were rejected and the orders passed by the learned Juvenile Justice Board, Madhubani in E.No. 1481/2, GR No.353/24 were confirmed and the prayer for bail of the appellants, who were juvenile in conflict with law, has been rejected.

3. The prosecution case, in brief, is that the accused



persons named in the FIR, along with two unknown accused persons, variously equipped with iron rod, knife etc. came to the place of occurrence and the petitioner Abdullah inflicted iron rod blow on the head of the deceased Irshad. The petitioner Md. Mozammil inflicted dagger blow in his abdomen. Irshad died during the course of treatment, whereas his friend, the informant Sajjad had also suffered injury.

4. The learned counsel for the petitioners has submitted that all these petitioner are juvenile, and as per the settled law, in case of juvenile, gravity of the offence cannot be taken into account for rejection of bail. It is further submitted by the learned counsel that, as per the provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, the bail application of a juvenile cannot be rejected, unless there is an apprehension of the juvenile to come into contact of a known criminal or if there is possibility of moral, physical or psychological danger of the juvenile, if he is released on bail. The learned counsel has also submitted that in the social investigation report, there is nothing to indicate that if the petitioners are released on bail, they may come into contact of a known criminal or there may be possibility of any kind of danger either moral, physical or psychological.



5. On the other hand, Mr. J.N.Thakur, the learned APP for the State has apposed the prayer for bail.

6. Admittedly, the petitioners are juvenile. As per the settled law, in the case of a juvenile, the gravity of the offences cannot be looked into and the social investigation report does not disclose that the petitioners may come into association of any known criminal or there is possibility of their moral, physical or psychological danger.

7. Considering the above facts and circumstances, the applications are allowed. Let the petitioners, above-named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, Madhubani in E.No. 1481/2, GR No.353/24, arising out of Madhubani Town P.S.Case No. 111 of 2024.

(Nawneet Kumar Pandey, J)

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