

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.876 of 2024

Arising Out of PS. Case No.-351 Year-2023 Thana- MUFFASIL District- Aurangabad

Child in Conflict with law (CICL) XXXXX S/O Ramashish Yadav R/O
Village- Khaira Mirja, P.S.- Aurangabad Muffasil, Distt.- Aurangabad (Bihar).
... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sonam Kumari D/O Valmiki Paneri R/O Village- Khaira Mirja, P.S-
Aurangabad Muffasil, Distt.- Aurangabad (Bihar).
... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal
For the Respondent/s : Mr.Umanath Mishra

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 04-04-2025 Heard learned counsel for the appellant and learned
APP for the State.

2. This criminal appeal has been preferred against the judgment dated 05.09.2024 passed in Cr. Appeal No. 49 of 2024, in J.J.B. No. 1134 of 2024(POCSO), G.R. No. 110 of 2023 arising out of Aurangabad Muffasil P.S. Case No. 351 of 2023 by learned Children Court-cum-Ist Additional District & Sessions Judge, Aurangabad whereby the learned court below has rejected the prayer for bail of the appellant registered for the offences under Sections 366A, 376, 504, 506, 34 of the Indian Penal Code, 1860 and Sections 4 and 8 of the POCSO Act, 2012.

3. Allegedly, the brother of the petitioner enticed away



the victim and took her to various places. It is also alleged that the victim was physically harassed and ultimately, she was left out.

4. Learned counsel for the appellant submits that, admittedly, the appellant is juvenile and as per the provisions of Section 12 of Juvenile Justice (Care and Protection of Children) Act 2012, the bail shall be granted to the juvenile unless there is an apprehension of being the juvenile in contact with known criminal or if there is physical or psychological danger to him.

5. The social investigation report sent by the Probation Officer, Aurangabad is available with the record and as per social investigation report there is nothing to suggest that the petitioner if released on bail may come in contact with known criminal or there is any physical or psychological danger to him.

6. From bare perusal of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, it appears that a juvenile has mandatorily be granted bail except the conditions provided under proviso of Section 12. These are the three conditions:-

(i) If there is reasonable grounds for believing that the release of the juvenile would likely to bring him into contact of any known



criminal.

(ii) If there is likelihood of his exposure to the said person and if there is moral, physical or psychological danger might be possible to be occurred to the juvenile.

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

7. Neither of these three conditions were mentioned in the impugned order dated 05.09.2024, whereby the learned Court below refused the bail to the appellant.

8. Considering the above-mentioned facts and circumstances, this criminal revision is allowed and the order dated 05.09.2024 passed by the learned court below in in Cr. Appeal No. 49 of 2024, in J.J.B. No. 1134 of 2024(POCSO), G.R. No. 110 of 2023 arising out of Aurangabad Muffasil P.S. Case No. 351 of 2023 is set aside.

9. Let the appellant, who has already been declared juvenile by the learned Juvenile Justice Board, be released in favour of his parents on execution of surety bond of Rs. 10,000/- (ten thousand) to the satisfaction of learned Children Court-cum-Ist Additional District & Sessions Judge, Aurangabad, Patna with the condition that the mother of the appellant shall furnish an undertaking that after release on bail, he will not allow the appellant to come in company/association



with any criminal or anti social elements and he will take proper care of the appellant. Further, the appellant will be produced as and when required by the court below and shall cooperate during the trial.

(Nawneet Kumar Pandey, J)

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