

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.937 of 2024

Arising Out of PS. Case No.-410 Year-2023 Thana- HILSA District- Nalanda

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Ritesh Kumar Son of Late Pankaj Prasad Resident of village -Kapsiyava PS-
Hilsa, Dist- Nalanda under the Guardianship of Birendra Ram (Maternal
Grandfather of the petitioner), age about 67 years Male son of late Sri Ram,
village- Bhavan No. 65 Makan No. 65, Sankardih, Ps- Parwalpur, Dist-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Prasad Gupta, Advocate
For the Respondent/s : Ms.Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2025 Heard Mr.Brajesh Prasad Gupta, learned counsel for

the petitioner and Ms.Rina Sinha, learned APP for the State.

2. This criminal revision, under Section 102 of the
Juvenile Justice (Care and Protection of Children) Act, 2015,
has been preferred for setting aside the order dated 27.08.2024
passed in Juvenile Appeal No.02 of 2024 passed by the learned
1st Additional District & Sessions Judge -cum-Special Children
Court, Biharsharif, Nalanda, rejected the prayer for bail of the
petitioner by affirming the order of Juvenile Justice Board,
Biharsharif, Nalanda passed on 22.12.2023 (Arising out of J.J.B.
Case No.697/2023) in Hilsa P.S. Case No.410 of 2023,
registered under Sections 341, 342, 323, 325, 302/34 of the



Indian Penal Code whereby bail application of the petitioner has been rejected by the learned court below. The petitioner is in remand home since 28.06.2023.

3. Allegation against the petitioner is that he along with his mother started to abuse and assault the deceased. On 27.06.2023 at about 8:00 am when the informant was at his home, he heard some crying sound and came to know that his son Pankaj Kumar has succumbed to death.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Allegation against the petitioner is that he alongwith his mother started to abuse and assault the deceased, deceased is the father of the petitioner and informant is the grandfather of the petitioner and it appears from the FIR that the informant is not the eye witness of the alleged occurrence and co-accused person, namely, Munni Devi, who happens to be the mother of the petitioner, has been granted regular bail by this Court vide order dated 18.09.2024 passed in Cr. Misc. No.39861 of 2024.

5. The law requires that reasonable grounds should be there for believing that in the event of grant of bail the petitioner would go into association of any “known criminal” or exposed



to moral, physical and psychological danger or the release of the person would defeat the ends of justice. There is no reference of any known criminal nor there is any other substantial material for the conclusion as recorded by the Court-below.

6. Hence, the impugned order suffers from failure to exercise jurisdiction vested in law, is result of error apparent on the face of the record and non-consideration of provisions of law. Hence, the impugned order is set aside and this criminal revision is allowed.

7. Let the petitioner, who has already been declared juvenile by the learned Juvenile Justice Board, Bihar Sharif, Naland be released in favour of either of his parents on execution of surety bond of Rs. 5,000/- (Five thousand) to the satisfaction of learned Children’s Court in connection with Hilsa P.S. Case No.410 of 2023 (Arising out of J.J.B. Case No.697/2023)with condition that the petitioner shall be produced as and when required by the Juvenile Justice Board for cooperation of his inquiry.

(Rajesh Kumar Verma, J)

Nitesh/-

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