

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1060 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

Md. Adnan @ Adnan Ashique @ Md. A. @ A.A. S/o- Md. Ashique Resident of Mohalla- Bari Moulanachak Police station- Mojahidpur, Dist- Bhagalpur, Under the guardianship of his father and natural guardian M.D Ashik @ Ashique S/o- Md. Samulla, R/o- Moh- Bari Boulanachak Police station- Mojahidpur, Dist- Bhagalpur, At Present R/o- 4/2 Dr. Noorie Lane (2) Champdani (M) , Baidyabati, P.S- Bhadreswar Dist- Hoogly, W.B

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Respondent/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 19-06-2025 This is an application under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 filed by the father and natural guardian of one “A.A.” praying for bail claiming to be juvenile. The son of the petitioner was arrested in connection with the Mojahidpur P.S. Case No. 75 of 2023 under Section 3/4/5 of the Explosive Substance Act on the allegation that on 22nd February 2023 at about 07:45 am police attached to Mojahidpur P.S. received a secret information that sum unknown person had kept sum explosive substances by the side of Mazar at Moulanachak in order to explode the same and to create terror and communal disharmony in the area. The police went to the said spot to work out the said information and



collected two plastic bags with sum bomb-like substance. The SHO, Mojahidpur P.S. informed recovery of the said substance to bomb disposal squad. He came to know from local inquiry the names of suspects and arrested the son of the petitioner who at the relevant point of time was aged about 14 years 11 months and 8 days as decided by the J.J. Board, Bhagalpur. The bail of the juvenile was rejected by the Board as well as the Court of Appeal mechanically saying, *inter alia*, that the release of the juvenile will give him the opportunity to mix with the known criminals of the localities. It is also observed that the release of the juvenile on bail is likely to bring the juvenile into association with the criminals and expose him to moral, physical psychological danger and release would defeat the ends of justice.

2. Practically, the ground for rejection of bail as stated by the appellate court is nothing but the reproduction of the provision of the statute. There is no subjective appreciation as to whether the victim had any acquaintance with any criminal of the locality or the release of the victim will endanger his moral and social upbringing, etc.

3. For the reasons stated above, I am inclined to release the juvenile on bail on furnishing bail bonds of Rs.



20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the concerned court with further conditions which are as follow:-

(i) One of the sureties/bailors must be one of the parents of the juvenile.

(ii) The juvenile shall be properly look after and brought up by his parents under the supervision of the probation officer.

(iii) The probation officer, Bhagalpur shall submit a quarterly report about the development of the juvenile before the JJB till the disposal of the criminal case against him.

(iv) The appellant shall remain present before the Court and/or the police, as the case may be, as and when required.

4. With the above order, the instant Cr. Revision is disposed of.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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