

(2009) 08 PAT CK 0117

In the Patna High Court

Case No : Criminal Revision No. 1170 of 2009

Baij Nath Singh @ Manoranjan Kumar

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 06-08-2009

Acts Referred:

Juvenile Justice (Care and Protection of Children) Act, 2000 — Section 12

Citation : (2009) 4 PLJR 1016

Hon'ble Judges : Mandhata Singh, J

Bench : Single Bench

Advocate : Vijay Kumar and Rajani Kumari, for the Appellant; I.B. Pandey, for the Respondent

Judgement

M. Singh, J.—Heard learned counsel for the petitioner and the State. This criminal revision application is being disposed of with the consent of the parties.

2. In brief it is said that the victim boy Sarwan Kumar had watched this petitioner indulged in sexual intercourse with a girl of the same village, a threatening was given at informant's house after reaching victim boy to his house.

3. Petitioner is declared juvenile, his prayer for bail on merit as well as being his juvenile is not considered while submission of learned counsel for the petitioner is that in the case petitioner has been named after two months of the incident, basing which taking into consideration major accused persons namely Vijay Singh and Umesh Singh have been allowed bail by a Bench of this Court. Apart from the above ground I find some mistake committed even by the learned Sessions Judge as he has observed "nothing was brought on record on behalf of appellant that after release the appellant would not go in association of criminals".

4. Section 12 of Juvenile Justice (Care and Protection of Children) Act is there to give more privilege to juveniles who are in conflict with law. No one can be sent

into custody in absence of accusation. The privilege is given to a juvenile u/s 12 of the Act that they shall be enlarged on bail, save and except, their release is likely to bring them into association with any known criminal or expose him to moral, physical or psychological danger or that their release would defeat the ends of justice, like the accusation it is bounded duty of the prosecution to bring on record the presence of any of or all ingredients which can only be taken into consideration for refusal of bail. In the instant case some thing more is there with this petitioner that major co-accused persons having similar allegations have been allowed bail by a Bench of this Court vide Cr. Misc. No. 22718 of 2009.

5. Under the facts and circumstances stated above, this criminal revision application is allowed and the order dated 12.5.2009 passed by Sessions Judge, Saran at Chapra in Cr. Appeal No. 47/2009 (Juvenile) confirming the order dated 22.4.2009 passed by the Principal Magistrate, Juvenile Justice Board, Saran at Chapra in J.T. No. 188/2009 arising out of Marhowrah P.S. Case No. 12/09 is set aside.

6. Let the petitioner namely Baij Nath Singh alias Manoranjan Kumar be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Saran at Chapra in J.T. No. 188/2009 arising out of Marhowrah P.S. Case No. 12/09. One of the bailer shall be petitioner's father who shall undertake to keep the petitioner under his observation and shall produce him whenever is ordered by the Juvenile Justice Board. This criminal revision application stands disposed of.