

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr. Rev. No. 614 of 2022**

....

Bikash Chandra Mahato represented  
thorough his mother Renu Bala Mahato       ..... **Petitioner**

**Versus**

The State of Jharkhand                               ..... **Opp. Party**

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**CORAM:       HON'BLE MR. JUSTICE SANJAY PRASAD**

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For the petitioner : Mr. Abhishek Kumar Dubey, Advocate

For the State : Mr. Sunil Kr. Dubey, A. P. P.

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**05/30.08.2022**       The present Criminal Revision No. 614 of 2022 has been filed by the petitioner under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 challenging the order dated 01.06.2022 passed by learned Sessions Judge, Seraikella-Kharsawan in Criminal (Bail) Appeal No. 15 of 2022 whereby learned Sessions Judge, Seraikella- Kharsawan has rejected the prayer for bail of the petitioner and affirmed the order dated 26.04.2022 passed by the Principal Magistrate, Juvenile Justice Board, Seraikella- Kharsawan in connection with Chowka P. S. Case No. 20 of 2022 for the offence under Sections 307/341/34 of the Indian Penal Code, by which prayer for bail of the juvenile-petitioner was rejected.

2.       As per the FIR, twelve (12) persons are alleged to have assaulted the son of the informant and due to which, he became unconscious.

3.       Heard learned counsel for the petitioner and learned APP for the State.

4.       It is submitted that the juvenile-petitioner is innocent. It is submitted by the learned counsel for the petitioner that the petitioner is a juvenile. It is submitted that there is general and omnibus allegation against 12 persons in the FIR for assaulting the

injured and there is no specific allegation of assault against this petitioner by the informant. It is submitted that the informant is not the eye witness of the occurrence. It is submitted that the learned Court below has not considered the beneficial provision of under Section 12 of the Juvenile Justice (Care and Protection of Children) Act and has mechanically rejected the prayer for bail of the juvenile-petitioner. It is further submitted that Social Investigation Report of the petitioner is in favour of the petitioner and mother of the juvenile-petitioner is ready to in full and proper care. It is submitted that the juvenile-petitioner is in custody since 28.03.2022 and as such, he may be enlarged on bail.

5. On the other hand, learned counsel for the State has opposed the prayer for bail and has submitted that the juvenile-petitioner alongwith others is named in the F.I.R. for assaulting the son of the informant. It is submitted that the statement of the son of informant was recorded at para-48 of the case diary, who has named this petitioner and others for assaulting him. It is further submitted that the injured has remained in hospital of one week due to injury on his head and as such, prayer of the juvenile-petitioner may be rejected.

6. Perused the Lower Court Records of the case and the case diary and Social Investigation Report and considered the submission of both the sides.

7. It transpires that altercation between the accused persons including this petitioner and the son of the informant had taken place during the festival of Holi. It also transpires that there is general and omnibus allegation against this petitioner. It also appears that statement of the injured is recorded at para-48 of the case diary for assaulting him. It further transpires from the Social Investigation Report of the petitioner that there is nothing adverse

against this juvenile-petitioner in the Social Investigation Report.

8. Considering the facts and in the circumstances of the case and considering the nature of offence, the juvenile petitioner-Bikash Chandra Mahato is directed to be released on bail in favour of his mother Renu Bala Mahato on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Principal Magistrate, Juvenile Justice Board, Seraikella- Kharsawan in connection with Chowka P. S. Case No. 20 of 2022 subject to the condition that one of the bailors must be the mother of the juvenile petitioner and the mother of the juvenile- petitioner will submit her mobile number before the learned Court below, which she will always keep active and will not change it, during the pendency of this case, without prior permission of the Court and shall produce the juvenile-petitioner as and when required.

9. Therefore, in view of the above, the order dated 01.06.2022 passed by learned Sessions Judge, Seraikella-Kharsawan in Criminal (Bail) Appeal No. 15 of 2022 and the order dated 26.04.2022 passed by the Principal Magistrate, Juvenile Justice Board, Seraikella- Kharsawan in connection with Chowka P. S. Case No. 20 of 2022 are set aside.

10. Thus, the Criminal Revision No. 614 of 2022 is allowed and stands disposed of.

**(Sanjay Prasad, J.)**

Kamlesh/