

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.178 of 2016

Arising out of P.S. Case No. 199 Year 2015 Thana - Dinara Bhanas O.P. District- SASARAM
(ROHTAS)

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Manji Yadava @ Bhoma Yadav @ Manji Singh, s/o Tej Narayan Yadav @ Tengari
Yadav @ Tej Narayan Singh under the guardianship of the father of the petitioner,
resident of village- Panditpur, P.S. Dirara, District Rohtas.

.... Petitioner

Versus

1. The State of Bihar
2. Sanjay Singh, s/o Ram Naresh Singh, resident of village- Kund, P.S. Dinara
(Bhanas O.P), District Rohtas.

.... Respondents

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Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate.
For the State : None.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 04-10-2016

This revision application under Section 53 of the Juvenile
Justice (Care and Protection of Children) Act, 2000 (For short 'the
Act of 2000') is directed against the order dated 16.1.2016 passed in
Cr. Appeal No. 01 of 2016 by the learned District and Sessions
Judge, Rohtas at Sasaram, by which he has dismissed the appeal filed
by the petitioner under Section 53 of the Act of 2000 against the
order dated 19.12.2015 passed by the Juvenile Justice Board, Rohtas
at Sasaram, and affirmed the order passed by the court.

2. The petitioner has been made accused in connection
with Dinara Bhanas P.S. Case No. 199 of 2015 registered under
Sections 341, 323, 307, 504/34 of the Indian Penal Code and Section

27 of the Arms Act.

3. The prosecution case is that the petitioner is alleged to have opened fire causing burn injury to the informant.

4. It is contended by the learned counsel for the petitioner that the petitioner is languishing in Observation Home Rohtas at Sasaram since 26.7.2015 and his application for bail was rejected by the Juvenile Justice Board, Rohtas at Sasaram vide order dated 19.12.2015 on an erroneous ground that if released, he may fall in company of known criminals and there may also be danger to the life of the petitioner. The Appellate Court has also rejected his application for bail on the ground that his release would defeat the ends of justice and is likely to fall into the association of hardened criminals.

5. Learned counsel for the petitioner has submitted that for forming the opinion, neither the Juvenile Justice Board nor the Appellate Court had called for any social investigation report in respect of the petitioner either from the Probation Officer or from the Child Welfare Officer. It has also been submitted that though the petitioner is in the Observation Home for over one year, the enquiry is still at a preliminary stage.

6. Despite repeated calls, nobody appears on behalf of the State.



7. I have heard learned counsel for the petitioner and perused the record. I find force in the submission made by the learned counsel for the petitioner. The opinion has been formed in respect of the petitioner by the Juvenile Justice Board and the Appellate Court without summoning any social investigation report from the Probation Officer or the Social Welfare Officer. The Appellate Court and the Juvenile Justice Board have also not considered the application for bail of the petitioner in the light of the object of the Act of 2000. The proviso to Section 14 of the Act of 2000 mandates an expeditious enquiry into the offences committed by a juvenile in conflict with law, but despite lapse of over one year, the enquiry has not been completed.

8. Considering the above aspects of the matter, the impugned Judgment dated 16.1.2016 passed by the learned District and Sessions Judge, Rohtas at Sasaram, in Cr. Appeal No. 01 of 2016 and the order dated 19.12.2015 passed by the Juvenile Justice Board, Rohtas at Sasaram in connection with Dinara Bhanas P.S. Case No. 199 of 2015, cannot be sustained. Accordingly, they are set aside. The petitioner is directed to be released on bail on furnishing an affidavit by his father that he would look after the interest of the petitioner and would not allow him to fall in bad company. In addition to the affidavit, the father of the petitioner would also be

required to furnish a personal bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Rohtas at Sasaram, in connection with Dinara Bhanas P.S. Case No. 199 of 2015. On furnishing of such affidavit, bond and sureties, the petitioner shall be released on bail forthwith.

9. The revision application stands allowed.

(Ashwani Kumar Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A.
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