

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.320 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- BANKA

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Santosh Kumar Panjiyara @ Santosh Kumar, Son of Sanjeev Panjiyara through natural guardian mother Indu Devi, R/o Village-Nagardih, P.S.- Fullidumar, District- Banka

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate

For the Respondent/s : Mr. Gopesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 07-09-2016

This revision application under Section 53 of the Juvenile Justice (Care & Protection of Children) Act, 2000 has been filed for setting aside the order dated 26.02.2016 passed by the learned Additional Sessions Judge-1st, Banka in Cr. Appeal No. 5 of 2016 whereby the order dated 23.01.2016 passed by the Juvenile Justice Board, Banka in connection with Amarpur P.S. Case No. 359 of 2015 registered under Sections 147, 148, 149, 341, 302 of the Indian Penal Code and 27 of the Arms Act has been affirmed and the application for bail of the petitioner has been rejected.

2. It is contended that admittedly on the alleged date of occurrence the petitioner was aged fourteen years and nine months. It is urged that the petitioner is not named in the first information report. The first information report was registered

against twelve persons and out of them, four, namely, Jagdish Panjiyara, Laloo Panjiyara, Jahindra Panjiyara and Nitesh Kumar have already been granted bail by a Bench of this Court, vide order dated 20.05.2016 passed in Cr. Misc. No. 21038 of 2016.

3. It is also contended that name of the petitioner transpired in confessional statement of co-accused and statements of some of the witnesses recorded after institution of the first information report. However, none of the witnesses has stated that the petitioner, in any way, actively participated in commission of the offence.

4. The application for bail of the petitioner was rejected by the Juvenile Justice Board, Banka on the ground that if released on bail, he may come in association with known criminal and his release would expose him to moral, physical or psychological danger or his release would defeat the ends of justice.

5. The appellate court has also rejected the application for bail of the petitioner on the same ground. The appellate court has observed that it is commonly seen that juvenile offenders, after being released, mix up with known criminals.

6. Learned counsel for the State has opposed the application for bail of the petitioner.

7. Regard being had to the submissions made at the Bar, as also the fact that for arriving at a conclusion that upon

release, the petitioner would come in contact with known criminals is not based on any social investigation report or any report of the Probation Officer.

8. In that view of the matter, I set aside the impugned judgment and order dated 26.02.2016 passed by the learned Additional Sessions Judge-1st, Banka in Cr. Appeal No. 5 of 2016 and the order dated 23.01.2016 passed by the Juvenile Justice Board, Banka in connection with Amarpur P.S. Case No. 359 of 2015. The petitioner is directed to be released on bail on furnishing an affidavit by his mother that she would look after the interest of the petitioner and would not allow him to fall in bad company. In addition to the affidavit, the mother 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, Banka in Amarpur P.S. Case No. 359 of 2015. On furnishing of such affidavit, bond and sureties, the petitioner shall be released on bail.

9. The revision application stands allowed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	-----
Uploading Date	09.09.2016
Transmission Date	09.09.2016