

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.290 of 2016

Arising Out of PS.Case No. -137 Year- 2015 Thana -cHAKIYA District- EASTCHAMPARAN
(MOTIHARI)

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1. Seraj Ansari through his father and guardian Md. Jumarati Ansari resident of
Village- Sarottar, P.S. Dumariyaghat, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Respondent/s : Mr. U.L. Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-10-2016

The present revision application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000, (hereinafter referred to as the 'Act of 2000') has been filed by the petitioner against the order dated 5th March, 2016 passed by the learned Sessions Judge, East Champaran, Motihari in Cr.Appeal (Juvenile) No. 016 of 2016 whereby he has affirmed the order dated 28th January, 2016 passed by the Principal Magistrate, Juvenile Justice Board, Motihari, East Champaran in J.J.B. Trial No. 0973 of 2015 by which the prayer for bail of the petitioner in connection with Chakiya P.S.Case No. 137 of 2015 registered under Section 379 of the Indian Penal Code has been rejected.

2. It is submitted by the learned counsel for the petitioner



that the petitioner is not named in the FIR. He has been arrested on 3rd December, 2015 and since then he is in Observation Home. The petitioner has been declared juvenile vide order dated 7th January, 2016 passed by the learned Principal Magistrate, Juvenile Justice Board, East Champaran, Motihari in J.J.B. Trial No. 973 of 2015. However, his application for bail was rejected by the Juvenile Justice Board on the ground that his release would bring him into association of known criminals or will expose him to moral, physical and psychological danger and would defeat the ends of justice. The appellate court has also affirmed the order passed by the Juvenile Justice Board on the same ground.

3. It is further submitted that as per the provisions of Section 12 of the Act of 2000, a juvenile in conflict of law is entitled to bail unless it is shown that there appears reasonable ground or belief that his release would bring him into association of known criminals or will expose him to moral, physical and psychological danger and would defeat the ends of justice. It is also submitted that the appellate court and the Juvenile Justice Board have rejected the application for bail of the petitioner on the ground that his release would bring him into association of known criminals and will expose him to moral, physical and psychological danger and would defeat the ends of justice, but, no social investigation report was called for either

from the Probation Officer or any officer of the State.

4. Learned counsel for the State has opposed the present revision application.

5. I have heard learned counsel for the parties and perused the record.

6. I find force in the submission made by the learned counsel for the petitioner. In absence of any social investigation report, the opinion of the Juvenile Justice Board and the appellate court is based on mere conjecture and surmises.

7. Regard being had to the object of the Act of 2000, the impugned order dated 5th March, 2016 passed by the learned Sessions Judge, East Champaran, Motihari in Cr.Appeal (Juvenile) No. 016 of 2016 and the order dated 28th January, 2016 passed by the Principal Magistrate, Juvenile Justice Board, Motihari, East Champaran in J.J.B. Trial No. 0973 of 2015 are set aside. The petitioner Seraj Ansari 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 learned Principal Magistrate, Juvenile Justice Board, East Champaran at Motihari in

connection with Chakiya P.S.Case No. 137 of 2015. On furnishing of such affidavit, bond and sureties, the petitioner shall be released on bail.

8. The revision application stands allowed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	----
Uploading Date	05.10.2016
Transmission Date	05.10.2016