

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.338 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District-
EASTCHAMPARAN(MOTIHARI)

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Ravi Raj minor son of Rajdeo Rai @ Rajdeo Yadav under the natural guardianship
of his father Rajdeo Rai @ Rajdeo Yadav son of late Shankar Rai resident of
village- Amwa, P.S.- Turkauliya, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Srivastava, Advocate

For the Respondent/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-10-2016

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 01.03.2016 passed
by the learned Sessions Judge, East Champaran at Motihari in Cr.
Appeal (Juvenile) No. 13 of 2016 by which the appeal preferred
under Section 52 of the Act of 2000 on behalf of the petitioner
against the order dated 18.01.2016 passed by the Juvenile Justice
Board, Motihari in Trial No. 978 of 2015 arising out of Harsidhi P.
S. Case No. 449 of 2015 by which the Juvenile Justice Board,
Motihari has rejected the application for bail of the petitioner has
been rejected and the order passed by the Juvenile Justice Board

has been affirmed.

2. The petitioner has been made accused in connection with Harsidhi P. S. Case No. 449 of 2015 registered under Sections 25(1-B)(a) and 26 of the Arms Act on the allegation that a loaded country made pistol was recovered from his possession. He is in custody since 06.12.2015.

3. It has been contended by the learned counsel for the petitioner that vide order dated 21.12.2015, the Juvenile Justice Board declared the petitioner to be a juvenile in conflict with law. This application for bail was rejected by the Juvenile Justice Board on 18.01.2016 on the ground that his release is likely to bring him into association of known criminals and would also expose him to moral, physical or psychological danger. The appellate court has also rejected his application for bail on the ground that his release would not be in the interest of justice. It has been contended that till date no witness has been examined during inquiry of the case and for arriving at a conclusion that the release of the petitioner would either expose him to moral, physical or psychological danger or would defeat the ends of justice, no social investigation report was ever called for from the Probation Officer or any other authority.

4. On the other hand, learned counsel for the State has opposed the revision application mainly on the ground that the

offence is serious in nature and the release of the petitioner would not be in the interest of justice.

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

6. It is well established that seriousness of the offence is not the relevant ground for consideration of an application for bail in the case of a juvenile. As per Section 12 of the Act of 2000, a juvenile is entitled to be released on bail irrespective of the nature of offence committed by him, unless it is shown that there appears reasonable ground for believing that his release is likely to bring him under the influence of any criminal or expose him to moral danger or defeat the ends of justice. Admittedly, no social investigation report was called for either by the Board or by the appellate court from the Probation Officer. Further, the enquiry is at a nascent stage. The proviso to Section 14 of the Act of 2000 mandates the inquiry under the Act of 2000 to be completed within four months.

7. In that view of the matter, the impugned orders cannot be sustained. Accordingly, order dated 01.03.2016 passed by the learned Sessions Judge, East Champaran at Motihari in Cr. Appeal (Juvenile) No. 13 of 2016 and order dated 18.01.2016 passed by the Juvenile Justice Board, Motihari in Trial No. 978 of

2015, arising out of Harsidhi P. S. Case No. 449 of 2015 are set aside.

8. 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, Motihari in Harsidhi P. S. Case No. 449 of 2015. On furnishing of such affidavit, bond and sureties, the petitioner shall be released on bail.

9. The revision application is allowed.

(Ashwani Kumar Singh, J.)

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