

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.346 of 2016

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

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Sanjeet Kumar, Son of Ram Awtar Yadav, Resident of Village- Manjhigawan, P.S.
- Fatehpur, District-Gaya under the guardianship of his father Ram Awtar Yadav

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Senior Advocate

Mr. Lakshmi Kant Sharma, Advocate

For the Respondent/s : Mr. P.K. Pandey, APP

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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 judgment and order dated 21.03.2016 passed by the learned 5th Additional Sessions Judge, Gaya in Criminal Appeal (Juvenile) No. 21 of 2016/17 of

2016 whereby the learned Sessions Judge has affirmed the order dated 15.02.2016 passed by the Juvenile Justice Board, Gaya in Civil Lines P.S. Case No. 112 of 2015 registered for the offences punishable under Sections 413, 414 and 420/34 of the Indian Penal Code.

2. The petitioner had earlier filed Criminal Revision No. 721 of 2015 before this Court being aggrieved by the judgment and order dated 17.08.2015 passed by the learned Additional Sessions Judge-II, Gaya in Criminal Appeal (Juvenile) No. 11 of 2015/27 of 2015 which was allowed, vide order dated 08.10.2015 with a condition that the petitioner should be released on bail if he is not accused in any other cases. However, since the petitioner was remanded in other cases, the Juvenile Justice Board refused to release him. The application for modification of the order passed by this Court was also rejected.

3. It has been submitted by Mr. Ramakant Sharma, learned Senior Counsel appearing for the petitioner that the petitioner was apprehended in Civil Lines P.S. Case No. 112 of 2015 on 13th March, 2015 and, till that date, he was not made accused in any other case. However, while the petitioner was in the observation home, he was remanded in eight other cases which were instituted against unknown persons on the basis of

confessional statement of the co-accused.

4. Mr. Sharma has further submitted that all the aforesaid cases are under Section 379 of the Indian Penal Code and the petitioner has already been granted bail in all those cases. It is further contended that though the petitioner is lodged in the observation home since 14th March, 2015 and was declared a juvenile in conflict with law vide order dated 02.06.2015 passed by the Juvenile Justice Board, the case is pending at the stage of inquiry itself.

5. Learned counsel for the State has opposed the present revision application. He has contended that there is no illegality or infirmity in the order passed by the appellate court or the Juvenile Justice Board.

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

7. Admittedly, the petitioner is in custody since 14th March, 2015. The proviso to Section 14 of the Act of 2000 mandates that where a juvenile in conflict with law has been charged with the offence and is produced before a Board, the Board is required to complete the inquiry within a period of four months from the date of its commencement, unless the period is extended by the Board having regard to the circumstances of the case and in

special cases after recording the reasons in writing for such extension.

8. Further, Clause (2) of Section 14 of the Act of 2000 mandates that the Chief Judicial Magistrate shall review the pendency of cases of the Board at every six months, and shall direct the Board to increase the frequency of its sittings.

9. However, in the present case, despite lapse of over one year, the board has not been able to complete its inquiry and it has also not assigned any reason why the inquiry could not be completed within the stipulated period.

10. Regard being had to the totality of the fact and circumstances of the case, the impugned judgment dated 21.03.2016 passed by the learned 5th Additional Sessions Judge, Gaya in Criminal Appeal (Juvenile) No. 21 of 2016/17 of 2016 and the order dated 15.02.2016 passed by the Juvenile Justice Board, Gaya in Civil Lines P.S. Case No. 112 of 2015, 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, Gaya in Civil Lines P.S.
Case No. 112 of 2015. On furnishing of such affidavit, bond and
sureties, the petitioner shall be released on bail.

11. The revision application stands allowed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	-----
Uploading Date	06.10.2016
Transmission Date	06.10.2016