

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.411 of 2016

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1. Lakhan Kumar S/o Bhagwat Yadav Resident of Village- Amjhar, Police
Station- Amarpur (Fullidumar), District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Respondent/s : Mr. Ambika Bhagat(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

3 25-11-2016 The petitioner has been declared to be a juvenile.

However, his application for grant of bail has been rejected by the Juvenile Justice Board by an order, dated 21.01.2016 on the ground that his release may expose him to sociological and physical danger, considering the sensitivity of the matter affecting two different groups in the society.

2. The petitioner is an accused of the offence punishable under Sections 376, 504, 506 of the Indian Penal Code, Section 4 of POCSO Act and Sections 3(i) (x) (xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in SC/ST P.S. Case No. 17 of 2015.

3. The said order, dated 21.01.2014 passed by the Juvenile Justice Board has been affirmed in appeal by an order, dated 27.02.2016, passed in Criminal Appeal No. 06 of 2016.

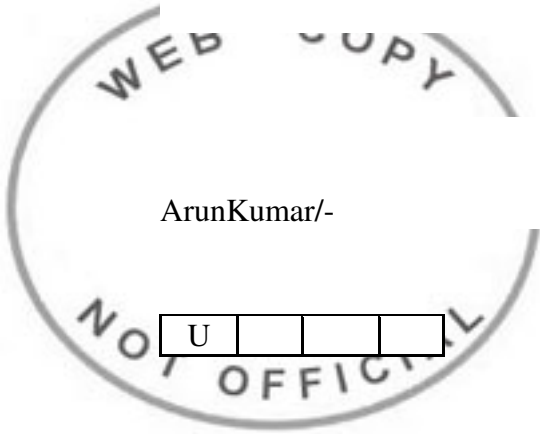
4. Learned counsel for the petitioner has submitted that before reaching the conclusion that release of the petitioner would expose him to sociological and physical danger, no report from the Probation Officer was called for and accordingly, rejection of petitioner's appeal on that sole ground is improbable.

5. Learned counsel appearing on behalf of the petitioner appears to be right in his submission that before rejecting the petitioner's regular bail on the ground as mentioned in the order, the Juvenile Justice Board ought to have obtained report of the Probation Officer under the Act or from any other reliable source.

6. Accordingly, the order, dated 21.01.2016 passed by the Juvenile Justice Board, Banka and the appellate order, dated 27.02.2016 passed by the learned First Additional Sessions Judge, Banka in Criminal Appeal No. 06 of 2016 are, hereby, set aside.

7. The matter is remanded back to the Juvenile Justice Board, Banka for considering the petitioner's release afresh after obtaining necessary report from the Probation Officer under the Act. The Court expects that the Juvenile Justice Board shall pass an order afresh as early as possible preferably within a period of one month from the date of the communication of the present order.

8. This application stands allowed with the observation as above.



(Chakradhari Sharan Singh, J)

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