

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1004 of 2015

Arising out of P.S. Case No. 179, Year 2015, Thana Dariyapur, District- SARAN

Rajesh Singh @ Rajesh Kumar @ Rajesh Kr. Singh under guardianship Jaan Singh @ Jaun Singh, son of JaanSingh @ Jaun Singh, resident of village Jurabganj, P.S. Korha, Distt. Katiuhar.

.... .. Petitioner/s

Versus

The State of Bihar

.... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Binod Kumar Yadav, Adv.
For the State : Mr. Ashok Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 30-08-2016

This revision application is directed against the order dated 17th September, 2015 passed by the learned Sessions Judge, Saran at Chapra, in Cr. (Juvenile) Appeal No. 112 of 2015 whereby the order for refusing prayer for bail of the petitioner dated 4.9.2015 passed by the Juvenile Justice Board, Saran, in Dariyapur P.S. Case No. 179 of 2015 registered under Sections 379 and 414 of the Indian Penal Code, has been affirmed.

2. It is submitted that the petitioner was not named in the First Information Report and his name transpired during investigation. He was apprehended on 6th July, 2005 during investigation. As he was a juvenile in conflict with law, he was kept in Observation Home since 6th of July, 2015 itself. His name has come in the present case merely on the basis of suspicion and no incriminating



article was recovered from his possession. He was not even put on Test Identification Parade. It is submitted that the Juvenile Justice Board as also the Appellate Court has rejected the application for release of the petitioner on bail only on the ground that if released, he will go in association of known criminals and his release would defeat the ends of justice. It is submitted that before recording the aforesaid finding, neither the Juvenile Justice Board nor the Appellate Court called for any social investigation report from the Probation Officer. The finding that in case of release, the petitioner may mix-up with known criminals, is based on hypothetical presumption and wild suspicion.

3. Learned counsel for the State has opposed the application filed on behalf of the petitioner. He has submitted that the name of the petitioner transpired in confessional statement of co-accused and, hence, in all probability, he is in contact with some other known criminals with whom he has committed the offence and, his release is most likely to bring him into company of those known criminals.

4. I have heard the parties and perused the record. The petitioner is reported to be in Observation Home since 6th of July, 2015. The alleged offence is not heinous one. The proviso to sub-section (1) of Section 14 of the Juvenile Justice (Care & Protection of



Children) Act, 2000 (for short 'the Act of 2000') mandates that an enquiry under Section 14 of the Act of 2000 shall be completed within a period of four months from the date of its commencement unless the period is extended by the Board having regard to the facts and circumstances of the case and in special case after recording the reasons in writing for such extension.

5. From the order impugned, it does not appear that the Board had ever extended the period of enquiry in terms of the proviso to sub-section (1) of Section 14 of the Act of 2000.

6. When the Act itself contemplates for speedy enquiry, a Juvenile in conflict with law cannot be kept in Observation Home for an indefinite period even without commencement of an enquiry by the Juvenile Justice Board. Further the findings of the court below are not based on any social investigation report of the Probation Officer of the area.

7. In that view of the matter, I set aside the impugned judgment and order dated 17.9.2015 passed by the learned Sessions Judge, Saran at Chapra, in Cr. Juvenile (Appeal) No.112 of 2015 and the order dated 4.9.2015 passed by the Juvenile Justice Board, Saran, in Dariyapur P.S. Case No. 179 of 2015.

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/- (ten thousand) with two sureties of the like amount to the satisfaction of Juvenile Justice Board, Saran at Chapra, in Dariyapur P.S. Case No. 179 of 2015. On furnishing such affidavit, bond and sureties, petitioner shall be released on bail.

9. The application stands allowed.

(Ashwani Kumar Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A.
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