

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.810 of 2015

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

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Krishna Kumar Yadav @ Akshay Kumar, son of Late Aklu Yadav, under guardianship of his mother, namely, Samita Devi, wife of Late Aklu Yadav, resident of village-Rampur Alouli, P.S.-Alouli, District-Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Ray, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-07-2016

The present revision application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (For short 'JJ Act') has been filed by the petitioner for setting aside the order dated 2nd June, 2015 passed by the learned Sessions Judge, Khagaria in Cr. Appeal No. 21 of 2015 whereby the appeal against the order dated 03.03.2015 passed by the Juvenile Justice Board, Khagaria has been rejected and the prayer for bail of the petitioner in connection with Alouli P.S. Case No. 287 of 2014 registered under Sections 341, 307 and 302 of the Indian Penal Code and Section 3(1)(x)(2)(v) of the Scheduled Castes & Scheduled Tribes

(Prevention of Atrocities) Act as also Section 27 of the Arms Act has been dismissed.

2. It is contended by the learned counsel for the petitioner that the petitioner is in custody in connection with aforesaid case since 16.12.2014. He was declared juvenile by the Juvenile Justice Board, Khagaria vide order dated 19.02.2015. His application for bail has been rejected by the Juvenile Justice Board, Khagaria vide order dated 03.03.2015 on the ground that if he is released on bail, there is possibility that he may come in contact with known criminals. On the same ground, his application for bail has been rejected by the learned Sessions Judge, Khagaria vide impugned order dated 2nd June, 2015. The contention is that the finding of the Juvenile Justice Board as also the appellate court is not based on any report either from the probation officer or from the investigating officer of the case. The finding is based on mere hypothetical presumption.

3. Despite repeated calls, none has appeared on behalf of the State.

4. I have heard learned counsel for the petitioner and perused the record.

5. I find substance in the arguments made by the learned counsel for the petitioner. The finding recorded by the



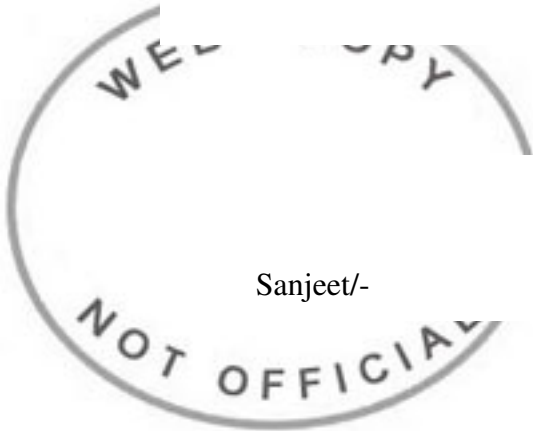
Juvenile Justice Board as also by the appellate court is without any basis. It would be pertinent to note here that Section 12 of the JJ Act prescribes that when any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), or in any other law for the time being in force, be released on bail with or without surety but he shall not be so released if there appears reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.

6. As noted above, it is reiterated that in the present case, no reasonable ground has been mentioned by the court below for believing that the release of the petitioner is likely to bring him into association of any known criminal.

7. In that view of the matter, the impugned order dated 2nd June, 2015 passed by the learned Sessions Judge, Khagaria in Cr. Appeal No. 21 of 2015 cannot be sustained. Accordingly, the impugned order is set aside. The petitioner is directed to be released on furnishing bond and sureties to the satisfaction of Juvenile Justice Board, Khagaria in connection with

Alouli P.S. Case No. 287 of 2014.

8. The application stands allowed.



Sanjeet/-

(Ashwani Kumar Singh, J.)

AFR/NAFR	
CAV DATE	
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