

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1010 of 2015

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

Ashok Yadav son of Doman Yadav resident of village- Kanchanbagh, P.S. Husainabagh, District- Palamu (Jharkhand) (under the guardianship of his father namely Doman Yadav)

Versus

The State of Bihar

.... Petitioner

.... Respondent

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Respondent/s : Mr. S. M. Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 20-07-2016

The petitioner, a juvenile, who has been made accused in half a dozen cases of serious nature, has filed the present application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short 'JJ Act'), praying therein to set aside the order dated 01.08.2015 passed by the learned Sessions Judge, Aurangabad in Cr. Appeal No. 58 of 2015, whereby the appeal preferred under Section 52 of the JJ Act against the order dated 14.07.2015 passed by the Juvenile Justice Board, Aurangabad in Jamhore P. S. Case No. 2 of 2014 registered under Sections 392, 412 and 120-B of the Indian Penal Code has been dismissed.

2. The age of the petitioner was assessed to be 17 years and 8 months on the date of occurrence vide order dated 22.06.2015 passed by the Juvenile Justice Board, Aurangabad,

3. It is submitted by the learned counsel for the petitioner that the ground on which the application for bail of the petitioner was rejected by the Juvenile Justice Board is erroneous. He has also submitted that the order passed by the appellate court is also bad in the eye of law as the application for bail in a case of juvenile has to be treated differently from the hardened criminals.

4. On the other hand, learned counsel for the State has submitted that from perusal of the impugned order itself, it would be evident that the petitioner is not only involved in the present case, but he has also been made accused in several other cases of serious nature and the appellate court vide impugned order has correctly held that the petitioner is a member of a gang and has association with hardened criminals and in case he is released on bail, he will again come in contact of those criminals.

5. Having heard learned respective counsel for the parties, I find substance in the argument of learned counsel for the State. After discussing the merit of the case in detail and taking into consideration the involvement of the petitioner in several cases, the appellate court has rightly formed it's opinion that if the petitioner

is released on bail, there is every possibility that he will again come into the association of criminals and commit serious offence and that his release will expose him to moral, physical or physiological danger.

6. In that view of the matter, I find no illegality in the impugned order. Accordingly, the application is dismissed.

7. The Juvenile Justice Board, Aurangabad is directed to complete the inquiry as early as possible preferably within six months from the date of receipt of a copy of this order.

(Ashwani Kumar Singh, J.)

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