

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.100 of 2016

Arising out of PS.Case No. 36 Year 2015 Thana Chandi District- BHOJPUR

Prakash Kumar, minor son of late Ganesh Rai, under the guardianship of his mother, Nanhaki Devi, resident of village- Bhadwar, P.S.- Chandi, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

Appearance :

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

For the State : Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 07-09-2016

Heard learned counsel for the petitioner and learned counsel for the State.

2. The present application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short 'JJ Act') has been preferred against the order dated 8th October, 2015 passed by the learned Sessions Judge, Bhojpur, Ara, affirming the order dated 23.9.2015 passed by the Juvenile Justice Board, Ara, in J.J.B. Case No. 760 of 2015.

3. By the aforesaid order dated 23.9.2015, the J.J. Board, Ara, has rejected the application for bail of the petitioner in

connection with Chandi P.S. Case No. 36 of 2015 registered under Sections 364-A and 302 of the Indian Penal Code. While rejecting the appeal against the said order, the appellate court has also rejected the application for bail of the petitioner.

4. It is submitted by the learned counsel for the petitioner that the petitioner was arrested in the aforesaid case on 24.4.2015. He was declared juvenile in conflict with law by the Juvenile Justice Board, Ara, vide order dated 18.9.2015. His application for bail was rejected by the Juvenile Justice Board on 23.9.2015 on the ground that there appear reasonable grounds for believing that his release on bail may bring him into association with known criminals or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice. The appellate court has also rejected the application taking into consideration the aforesaid observations made by the Juvenile Justice Board as also the magnitude of the offence.

5. As noted above, the petitioner being a juvenile, is in Observation Home since 24th April, 2015. The record of the Juvenile Justice Board would demonstrate that there is absolutely no progress in the enquiry of the case. Before rejecting the application of the petitioner, neither the Juvenile Justice Board nor the appellate court had called for any social investigation report or

the report of the Probation Officer. There was no material before the Juvenile Justice Board or the appellate court to come to a finding that if released on bail, the petitioner would fall into association with known criminals or his release would expose him to moral, physical or psychological danger.

6. Considering the stage of the case, the period spent by the petitioner in the Observation Home and the facts noted hereinabove, I set aside the impugned judgment and order dated 8th October, 2015 passed by the learned Sessions Judge, Bhojpur, Ara, in Cr. Appeal No. 20 of 2015 and the order dated 23.9.2015 passed by the Juvenile Justice Board, Ara, in J.J.B. Case No. 760 of 2015 arising out of Chandi P.S. Case No. 36 of 2015. The petitioner named above, 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, Ara, in J.J.B. Case No. 760 of 2015. On furnishing of such affidavit, bond and sureties, the petitioner shall be released on bail.

4. With the aforesaid observations and direction,

the revision application stands allowed.

7. Let the record of the Juvenile Justice board be sent back to the Juvenile Justice Board, Bhojpur at Ara.

(Ashwani Kumar Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09/09/2016
Transmission Date	09/09/2016