

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.26 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District-
EASTCHAMPARAN(MOTIHARI)

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Suraj Singh Son of Shri Uma Shankar Singh, resident of Vilalge- Tarwa Majhaulia,
Police Station -Paroo, District Muzaffarpur, under the guardian of his father,
namely, Shri Uma Shankar Singh Son of late Jagdish Prasad Narayan Singh

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

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

For the Respondent/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 19-08-2016

By way of the present application preferred under
Section 53 of the Juvenile Justice (Care and Protection of Children)
Act, 2000 (for short 'the Act of 2000'), the petitioner has
challenged the order dated 10.11.2015 passed by learned Sessions
Judge, East Champaran at Motihari in Cr. Appeal (Juvenile) No.
0107 of 2015 whereby the appeal preferred against the order dated
28.09.2015 passed by the Juvenile Justice Board, East Champaran
at Motihari in Trial No. 932 of 2015, arising out of Kesariya Police
Station Case No. 115 of 2015 has been dismissed and the prayer for
bail of the petitioner has been rejected.

2. The aforesaid case was registered under Section



379 of the Indian Penal Code. On completion of investigation, charge-sheet was submitted under Section 379/411 of the Indian Penal Code. The petitioner is neither named in the FIR nor any incriminating article was recovered from his possession. His name transpired in course of investigation on the basis of confessional statement of one Pankaj Kumar, a co-accused. He is in custody since 29.07.2015.

3. The prayer for bail of the petitioner was rejected by the Juvenile Justice Board on the ground that his release would expose him to moral, physical or psychological danger and it would defeat the ends of justice. On more or less similar ground, the appellate court also rejected the appeal.

4. In my opinion, the order impugned cannot be sustained. Apparently, there is no social investigation report in respect of the petitioner from the Probation Officer or any other authority. The opinion of Juvenile Justice Board that the release of the petitioner would bring him in association with any known criminal, is based on merely on guess work, conjecture and surmise. Furthermore, inquiry against the petitioner is pending for over one year and the report called for from Juvenile Justice Board, East Champaran, Motihari would make it evident that the inquiry proceeding is at the stage of evidence.

5. Proviso to Section 14(1) of the Act of 2000

mandates that inquiry under this section should 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 circumstances of the case and in special cases after recording reason in writing for such extension. In the present case, there appears no reason for keeping the inquiry pending for an indefinite period.

6. In that view of the matter, impugned order dated 10.11.2015 passed by learned Sessions Judge, East Champaran at Motihari in Cr. Appeal (Juvenile) No. 0107 of 2015 and order dated 28.09.2015 passed by the Juvenile Justice Board, East Champaran at Motihari in Trial No. 932 of 2015 are set aside. The petitioner above-named is directed to be released on bail on furnishing bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, East Champaran at Motihari in connection with Kesariya Police Station Case No. 115 of 2015.

7. The revision application stands allowed.

(Ashwani Kumar Singh, J.)

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