

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.396 of 2016

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Anish Kumar son of Sri Munchun Sah under the guardianship of his father
resident of Village - Sirahi, P.S. - Riga, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Respondent/s : Mr. Ashraf Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 25-11-2016 Learned counsel appearing on behalf of the petitioner has submitted that admittedly the petitioner is a juvenile and his application for bail has been rejected by the Juvenile Justice Board and subsequently affirmed by the court of learned 3rd Additional District and Sessions Judge, Sitamarhi by order dated 05.01.2016 passed in Criminal Appeal No. 112 of 2015/23 of 2015 on the ground that his release may expose him to moral, physical and psychological danger and it would defeat the ends of justice, in view of nature of accusation against him.

Learned counsel for the petitioner has submitted that without calling for a report from the Probation Officer, learned Additional Sessions Judge has formed his opinion that the petitioner's release will expose him to moral, physical and

psychological danger particularly as the petitioner’s father is in a position to ensure his good conduct and behaviour in future.

On this limited submission, I allow this revision application by setting aside the order dated 05.01.2016 passed by learned 3rd Additional district and Sessions Judge, Sitamarhi in Criminal Appeal No. 112 of 2015/23 of 2015 and remand the matter back for passing an order afresh after calling for a report from the Probation Officer under the Act in this regard.

This application is accordingly allowed.

(Chakradhari Sharan Singh, J)

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