

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.994 of 2016

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

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Praduman Mahto @ Bishal Kumar S/o Chandu Mahto R/o Vill- Bijho, P.S.-
Kawakol, Distt- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha,

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

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date: 21-12-2016

By an order dated 06.09.2016 the learned Additional Sessions Judge Ist, Nawadah in Criminal Appeal No. 37 of 2016 has affirmed the order passed by the Juvenile Justice Board, Nawadah in connection with Kawakole P.S. Case No. 133/16, G. R. No. 720 of 2016.

2. The petitioner has been declared as a juvenile and the said case discloses the offence under sections 341, 323, 307, 504, 506/34 of the Indian Penal Code to which Section 302 of the Indian Penal Code and Section 3(1)(x)& (xi) of SC/ST (Prevention of Atrocities) Act have been added.

3. It appears that the courts below have refused to release the petitioner on bail mainly on the ground that if released, there was a chance that the petitioner will fall in association with criminals.



4. Learned counsel appearing for the petitioner has submitted that there was no basis before the Juvenile Justice Board or before the court of the learned Additional Sessions Judge Ist, Nawadah to reach a conclusion that if released, there is a chance that the petitioner will fall in association with criminals.

5. Learned counsel for the petitioner appears to be right in his submission that before deciding to reject the application for bail on such a ground, Juvenile Justice Board ought to have obtained a report from the Probation Officer appointed under the Act. Accordingly, the impugned orders dated 21.07.2016 and 06.09.2016 are hereby set aside. The matter is remanded back to the Juvenile Justice Board, Nawadah to pass an order afresh on the petitioner's application for his release on bail after obtaining a report from the Probation Officer appointed under the Act. The Court expects that the Juvenile Justice Board shall pass orders in terms of the present order within a period of two months from the date of receipt/communication of the present order.

6. This revision application stands disposed of.

(Chakradhari Sharan Singh, J)

Amin/-

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CAV DATE	
Uploading Date	
Transmission Date	



