

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.992 of 2016

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Sonu Kumar, son of Karya Nand Singh @ Karya Nandan Singh, Resident
of Village- Kadamtar, P.S.- Silaw, District- Nalanda. Petitioner/s

Versus

The State of Bihar Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Nath Tiwary, Advocate

For the Respondent/s : Mr. Smt. Veena Rani Prasadd., A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 07-12-2016 This is an application filed under Section 102 of the Juvenile Justice (Care & Protection of Children) Act, 2015 against an order dated 05.09.2016 passed by learned Sessions Judge, Nawada, whereby she has affirmed an order dated 29.07.2016 passed by the Juvenile Justice Board, Nawada. The Juvenile Justice Board, Nawada by order dated 29.07.2016 refused to release the petitioner on bail, who is admittedly a juvenile and an accused of commission of offence punishable under Sections 419, 420, 379, 467, 468, 471, 120B/34 of the Indian Penal Code in connection with Warsaliganj P.S. Case No. 178 of 2016.

The Juvenile Justice Board refused to release the petitioner on bail on the reasoning that if released, there was chance of him falling in association with criminals. The said view has been affirmed by learned Sessions Judge, Nawada in his appellate order dated 05.09.2016.

Learned counsel appearing on behalf of the petitioner



has submitted that there being no criminal antecedent of the petitioner, making an observation by the Board and the court below that there is chance that the petitioner shall fall in bad company, if released on bail, is based on conjectures and surmises. He has submitted that there was no material either before the Board or before the learned Sessions Judge to come to this conclusion.

Learned counsel appears to be right in his submission. The Board ought to have called for a report from the Probation Officer under the J.J. Act in this regard and could have thereafter formed an opinion as to whether there was chance of the petitioner falling in company of criminals, if released on bail.

In such circumstance, the order of the Board and the order passed by learned Sessions Judge, Nawada dated 05.09.2016 require interference. Both the orders are set aside. The matter is remanded back to the Juvenile Justice Board to re-consider the application of the petitioner for his release after calling for a report from the Probation Officer. The order must be passed within a period of one month from the date of communication of this order.

This application is accordingly allowed.

(Chakradhari Sharan Singh, J)

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