

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.973 of 2016

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Bimal Sahani @ Bideshi Sahani, son of Shambhu Sahani, Resident of
Village-Pachgachhiya, P.S. Patahi, District East Champaran, under the
guardianship of his father Shambhu Sahani

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Respondent/s : Mr. Sri Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 05-12-2016 The petitioner is a juvenile in conflict with law. He is
an accused in a case registered for an offence punishable
under Sections 364, 302, 120B of the Indian Penal Code. His
bail application came to be rejected by the Juvenile Justice
Board, Motihari on the ground of there being chance that the
petitioner may fall in association with the criminals. Learned
Third Additional Sessions Judge, Motihari has rejected the
appeal by its judgment and order, dated 22.08.2016. In the
present criminal revision application, the petitioner is
aggrieved by the said two orders of the Juvenile Justice
Board and the learned Third Additional Sessions Judge,
Motihari.

2. Learned counsel appearing on behalf of the
petitioner has made two submissions. He has submitted that



the J.J. Board and the Court below, without calling for a report from the Probation Officer had arrived at a conclusion that if granted bail, there was a chance of the petitioner falling in association with the criminals. According to him, the said findings are based on their own imagination of the Board and the Court. He has secondly, submitted that the father of the petitioner had undertaken that he will provide the petitioner due security and take proper care for his welfare, if granted bail.

3. Learned counsel for the petitioner has informed this Court that till date the enquiry has not been completed by the Board.

4. Considering the gravity of the offence alleged against the petitioner and the fact that prior to the present case, he was implicated in a case being Patahi P.S. Case No. 40 of 2014 for the offences punishable under Sections 25(1-b)A/26/35 of the Arms Act, I am not inclined to interfere with the impugned orders.

5. It is, however, observed that the Juvenile Justice Board, Motihari must ensure that the enquiry in the matter is completed as expeditiously as possible. If the enquiry is not completed within a period of three months from the date of



the communication of the present order, the petitioner will be at liberty to apply for bail before the Board afresh, which shall be considered by the Board in accordance with law.

6. With this observation, this application stands disposed of.

(Chakradhari Sharan Singh, J)

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