

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.245 of 2016

=====

Durgesh Yadav, son of Sri Bhikhari Yadav, resident of village-Telhua, Sevak Tola, P.S. –Nautan, District- West Champaran, through his father and guardian Sri Bhikhari Yadav , son of Sri Statya Narayan Yadav, resident of village-Telhua Sevak Tola, P.S.-Nautan, District-West Champaran.

.... Petitioner/s

Versus

The State of Bihar through the informant Yusuf Ansari, son of Natthu Ansari, resident of village- Narainapur, P.S.-Ramnagar, District- West Champaran, at present, posted as Station House Officer, Nautan P.S., District- West Champaran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Respondent/s : Mr. P.K.Pandey, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

5 23-11-2016

The petitioner has been declared to be a juvenile by the Juvenile Justice Board. He is accused of an offence punishable under Sections 420, 489B, 489C/34 of the Indian Penal Code and Section 13 of the Unlawful Activities (Prevention) Act, 1967. He is in custody since 15.06.2015. There were altogether four persons named in the First Information Report out of whom three have been released on regular bail. The petitioner's application for his release from remand home has been refused by the Juvenile Justice Board on the ground that there was chance of the petitioner falling in association with the criminals, in the background of the fact that co-accused persons were having criminal antecedents. An appeal preferred against the order of the Juvenile Justice Board dated 01.10.2015 refusing to release the petitioner on bail, came to

be dismissed by an order dated 22.01.2016 passed in Criminal Appeal (Juvenile) No. 66 of 2015, affirming the view taken by the Juvenile Justice Board.

Learned counsel appearing on behalf of the petitioner has submitted that no Social Impact Report of the Probation Officer was sought before arriving at the conclusion that the petitioner was prone to falling in association with the criminals. He has submitted that there is no factual basis for arriving at such conclusion.

Learned counsel appearing on behalf of the petitioner appears to be right in his submission to this extent. The order dated 22.01.2016 passed by the learned Sessions Judge, West Champaran in Criminal Appeal (Juvenile) No. 66 of 2015 is hereby set aside. The matter is remanded back to the appellate court to reconsider the petitioner's appeal and pass an order afresh within a period of one month from the date of communication of the present order. If need be, the appellate court may call for a report from the Probation Officer under the Juvenile Justice (Care and Protection of Children) Act, 2015.

This application is allowed, but with the observation and direction as above.

(Chakradhari Sharan Singh, J)

Vats/-

U		T	
---	--	---	--