

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.982 of 2015

=====

1. Karan Singh @ Karan Kumar Son of Ram Pravesh Singh, Under the guardianship of his mother namely Suganti Devi, resident of village Madho Matihani, Police Station Mirganj District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Respondent/s : Mr. Sharda Kumari (App)

=====

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

5 21-11-2016 Heard learned Counsel for the petitioner and the learned Additional Public Prosecutor representing the State.

The petitioner has been declared to be a juvenile. He has been made accused in J. E. No. 61 of 2015, arising out of Mirganj Police Station Case No. 109 of 2015, registered for the offences punishable under Section 341/307/326/120B/34 of the Indian Penal Code and Section 27 of the Arms Act, 1959. He is aggrieved, in the present criminal revision application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000, by an order, dated 23.09.2015, passed by the learned Sessions Judge, Gopalganj, in Criminal Appeal No. 57 of

2015, whereby he has affirmed the order, dated 28.08.2015, passed by the learned Principal Magistrate, Juvenile Justice Board, Gopalganj, in J. E. No. 61 of 2015, whereby bail application of the petitioner has been rejected.

Learned Counsel for the petitioner has submitted that all the family members of a family, including the petitioner's father and his brother, have been falsely implicated because of some rivalry. According to him, father of the petitioner has been granted regular bail by this Court, vide order, dated 24.11.2015, passed in Criminal Misc. No. 40566 of 2015. The other co-accused, Vishal Kumar Singh, has also been granted regular bail by this Court vide order, dated 18.08.2015, passed in Criminal Misc. No. 33203 of 2015.

According to the learned Counsel for the petitioner, no fruitful purpose will be served if the petitioner is allowed to remain in the Remand Home.

I have perused the impugned order, dated 23.09.2015. The rejection of the petitioner's application for bail is based on a report of the concerned District Probationer Officer, to the effect that parents of the petitioner are engaged in illegal wine business and, therefore, there is possibility that if released, the petitioner will be exposed to mental, physical and psychological

danger, which will defeat the ends of justice.

The petitioner is in custody/Remand Home since 11.05.2015. In my view, by allowing him to remain further in the Remand Home, no purpose will be served and it may be counter productive to the interests of the petitioner.

Considering the above, this revision application is allowed. The order, dated 23.09.2015, passed by the learned Sessions Judge, Gopalganj, is set aside.

Let the petitioner be released on bail on furnishing an affidavit by his father to the effect that he will look after the interest of the petitioner and will not allow him to fall in bad company. In addition to the affidavit, the father of the petitioner will also be required to furnish personal bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Gopalganj, in connection with J. E. No. 61 of 2015. On furnishing of such affidavit and sureties, the petitioner shall be released on bail.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---