

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.918 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- EAST CHAMPARAN
(MOTIHARI)

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Pulkit Kumar @ Pulkit Kumar Singh @ Pulkit Singh, S/o Sonalal Prasad, R/o vill.-
Kachurbari P.S.-Adapur Dist-East Champaran (under guardianship of his father
Sonalal Prasad).

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar No.2, Advocate

For the Respondent/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 17-10-2016

This revision application is directed against the order dated 23.06.2016 passed by the learned Sessions Judge, East Champaran at Motihari in Cr. (Juvenile) Appeal No. 60 of 2016 whereby, while affirming the order dated 25.05.2016 passed by the Juvenile Justice Board, Motihari in Chhatauni P.S. Case No. 243 of 2015. corresponding to Juvenile Case Tr. No. 875 of 2016, the appeal against the aforesaid order has been dismissed and the application for bail of the petitioner has been rejected.

2. The petitioner has been made accused in a case



instituted under Section 379 of the Indian Penal Code. He is not named in the First Information Report and his name surfaced in the case during investigation. He was taken into custody on 2nd of February, 2016. The Juvenile Justice Board, Motihari has declared him a juvenile in conflict with law vide order dated 10.05.2016 treating his date of birth to be 31st of October, 2002, which would mean that on the alleged date of offence, i.e., 6th October, 2015, he had not even completed the age of thirteen years. The Juvenile Justice Board rejected the application for bail of the petitioner, vide order dated 25th May, 2016 and the appeal against the said order has been dismissed on 23rd June, 2016.

3. Section 379 of the Indian Penal Code prescribes punishment for the offence of theft for a term, which may extend to three years or fine or both. The proviso to Section 14(1) prescribes that where a juvenile having been charged with the offence is produced before a Board, an inquiry under this Section shall be completed within a period of four months from the date of its commencement, unless the period is extended by the Board having regard to the circumstances of the case and in special cases after recording the reasons for such extension. The Act of 2000 has been repealed and Juvenile Justice (Care and Protection of Children) Act, 2015 has come into force with effect from 15.01.2016. The new Act



defines “petty offences” under sub-section (45) of Section 2, which includes the offences for which the maximum punishment under the Indian Penal Code or any other law for the time being in force is imprisonment up to three years. Sub-section (4) of Section 14 mandates that if the inquiry by the Board remains inconclusive even after the extended period, the proceeding shall stand terminated.

4. Taking into consideration the nature of the offence and the period spent by the petitioner in jail and in the Observation Home, the orders under challenge cannot be sustained. The impugned judgment dated 23.06.2016 passed by the learned Sessions Judge, East Champaran at Motihari in Cr. (Juvenile) Appeal No. 60 of 2016 and the order dated 25.05.2016 passed by the Juvenile Justice Board, Motihari in Chhatauni P.S. Case No. 243 of 2015 corresponding to Juvenile Case Tr. No. 875 of 2016, are set aside.

5. The petitioner is directed to be released on bail on furnishing an affidavit by his father that he would look after the interest of the petitioner and would not allow him to fall in bad company. In addition to the affidavit, the father of the petitioner would also be required to furnish a personal bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Motihari in Chhatauni

P.S. Case No. 243 of 2015. On furnishing of such affidavit, bond and sureties, the petitioner shall be released on bail.

5. The revision application stands allowed.

6. The Registry is directed to transmit a copy of the order to the learned Sessions Judge and the learned Chief Judicial Magistrate, Motihari for perusal.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	-----
Uploading Date	20.10.2016
Transmission Date	20.10.2016