

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.309 of 2016

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1. Kanchan Kumar @ Anshu Kumar @ Kanchan Singh @ Sudhanshu son of Raj Kumar Singh, resident of Village- Sahwajpur, P.S.- Ahiyapur, District- Muzaffarpur. under the Guardianship of Raj Kumar Singh, S/o Late Kamal Singh, his natural father.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Respondent/s : Mr. S.Ehteshamuddin(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 23-11-2016 Heard the parties.

By way of the present Criminal Revision application, filed under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the 'Act'), petitioner seeks quashing of order, dated 21.12.2015, passed by learned Sessions Judge, Muzaffarpur in Criminal Appeal No. 100 of 2015, whereby he has dismissed the petitioner's appeal against an order, dated 07.11.2015, passed by learned Juvenile Justice Board, Muzaffarpur, in connection with Aurai P.S. Case No. 87 of 2015.

This is not in dispute that the petitioner has been declared to be a juvenile. He had filed an application for his release on bail



before the Juvenile Justice Board, Muzaffarpur, which came to be dismissed by an order, dated 07.11.2015, mainly on the ground that if released, there was strong likelihood that the petitioner would fall in association with criminals. The appeal preferred by the petitioner has also been rejected by the aforesaid order, dated 21.12.2015, which has given the petitioner, a cause of action for filing the present Criminal Revision application.

Learned counsel, appearing on behalf of the petitioner, referring to the order passed by the learned Juvenile Justice Board, Muzaffarpur, and learned Sessions Judge, Muzaffarpur, has submitted that there was no material either before the Board or before the learned Court to arrive at the conclusion that the petitioner would fall in association with criminals, if released on bail. According to him, without calling for a report from the Probation Officer under the Act, or from any other authority, the Juvenile Justice Board, Muzaffarpur and learned Sessions Judge, Muzaffarpur, have refused to release the petitioner on bail on grounds, without having any factual basis.

I find substance in the submissions advanced on behalf of the petitioner. The order, dated 21.12.2015 passed by the learned Sessions Judge, Muzaffarpur in Criminal Appeal No. 100 of 2015, is hereby set aside. The matter is remanded back to the Court

below with a direction to consider the petitioner’s application for grant of bail afresh and for that purpose; he may call for a report from the Probation Officer, appointed under the Act.

This application is allowed with the observations as above.

(Chakradhari Sharan Singh, J)

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