

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.308 of 2016

Arising Out of PS.Case No. -106 Year- 2015 Thana –Awatar Nagarl District- SARAN

1. Pati Ram Kumar @ Pati Ram Ray under the guardianship of his father namely
Gaya Ray R/o Village Maujampur, Phulwari Tola, P.S. Awatar Nagar, District
Chapra Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar Tiwary, Adv.

For the Respondent/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-10-2016

The present revision application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000, (hereinafter referred to as the 'Act of 2000') is directed against the order dated 8th October, 2015 passed by the learned Sessions Judge, Saran in Criminal (Juvenile) Appeal No. 131 of 2015, whereby the appeal preferred by the petitioner under Section 52 of the Act of 2000 against the order dated 3rd October, 2015 passed by the Juvenile Justice Board, Saran in J.J.B. Case No. 1466 of 2015 by which the prayer for bail of the petitioner was rejected, has been dismissed and the order passed by the Juvenile Justice Board, Saran has been affirmed.

2. The petitioner has been made accused in connection with



Awatar Nagar P.S. Case No. 106 of 2015 registered under Sections 324 and 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act. He was apprehended by the Police on 9th September, 2015 and since then he is in Observation Home. He has been declared juvenile in conflict of law by the order of the Juvenile Justice Board, Saran at Chapra. His application for bail was rejected by the Juvenile Justice Board on the ground that his release would expose him to moral, physical and psychological danger and would also defeat the ends of justice. The appellate court has affirmed the order passed by the Juvenile Justice Board and rejected the appeal on the same ground.

3. It is submitted by the learned counsel for the appellant that the Juvenile Justice Board had already summoned a social investigation report from the Probation Officer and the Probation Officer had reported that the character and company of the petitioner are good but without there being any other report, the Juvenile Justice Board has formed its opinion for rejecting the application for bail of the petitioner merely on conjecture and surmises. Similarly, the appellate court has also assigned no reason for affirming the opinion that the release of the petitioner would expose him to moral, physical and psychological danger and would also defeat the ends of justice.

4. On the other hand, learned counsel for the State has

submitted that the petitioner is alleged to have opened fire causing injury in the arm of the informant and looking to the seriousness of the offence, the petitioner does not deserve bail.

5. I have heard learned counsel for the petitioner, learned counsel for the State and perused the record.

6. It is well settled that according to the mandate of the Act of 2000, the gravity of the offence committed by a juvenile in conflict of law is not to be considered for the purpose of bail. It is true that a juvenile in conflict of law should not be granted bail if there is danger that his release is likely to bring him in association with any known criminal or expose him to moral physical or psychological danger. But in the present case, there is no adverse report against the character and company of the petitioner. The Probation Officer has reported to the Juvenile Justice Board that the petitioner is a boy of good character and his company is also good.

7. In that view of the matter, the impugned order dated 8th October, 2015 passed by the learned Sessions Judge, Saran in Criminal (Juvenile) Appeal No. 131 of 2015 and the order dated 3rd October, 2015 passed by the Juvenile Justice Board, Saran in J.J.B. Case No. 1466 of 2015 cannot be sustained and accordingly the same are set aside. The petitioner Pati Ram Kumar alias Pati Ram Ray 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, Saran at Chapra in connection with Awatar Nagar P.S.Case No. 106 of 2015. On furnishing of such affidavit, bond and sureties, the petitioner shall be released on bail.

8. The revision application stands allowed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	----
Uploading Date	05.10.2016
Transmission Date	05.10.2016