

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.587 of 2016

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1. Md. Mister Son of Md. Habib, under the guardianship of Farida Khatoon (natural guardian as mother), wife of Md. Habib, resident of Village- Parati, P.S.- Bochaha, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh

For the Respondent/s : Mr. Amitesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 04-05-2017 Heard learned Counsel for the parties.

The petitioner has been declared to be a juvenile. He is an accused in Bochaha P. S. Case No. 298 of 2014, registered for the offences punishable under Sections 302, 376, 201/34 of the Indian Penal Code and Sections 4/6 of the POSCO Act.

He is aggrieved by an order passed by the learned First Additional Sessions Judge-cum-Special Judge, POCSO Act, Muzaffarpur, in Criminal Appeal No. 107 of 2015, whereby his appeal against an order refusing bail by Juvenile Justice Board, Muzaffarpur, has been dismissed.

Learned counsel appearing on behalf of the petitioner submits that till date there is no substantial progress in the enquiry under Section 14 of the Juvenile Justice (Care & Protection of



Children) Act, 2015, before the Juvenile Justice Board. The petitioner is in Observation Home since 10.11.2014.

It is submitted on behalf of the petitioner that neither there is any material against him in the criminal case nor there is any chance that the petitioner will fall in association with criminals, if released on bail.

Since the enquiry has not been completed even after 2 and ½ years, this application is allowed. The impugned order, dated 30.01.2016 is set aside.

Let the petitioner above named 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, Muzaffarpur, in Bochaha P.S. Case No. 298 of 2014. On furnishing of such affidavit and sureties, the petitioner shall be released on bail.

(Chakradhari Sharan Singh, J)

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