

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.69 of 2017

=====

Mohan Kumar @ Shivam Kumar, under the natural guardianship of father Baidyanath Prasad @ Baidnath Prasad, Resident of Indira Nagar, Gali No. 8, Postal Park, P.S. - Janakpur, District - Patna.

2. Kundan Kumar, under the natural guardianship of father Mahesh Rai, Resident of Gram - Gyashpur, Mahazi, P.S. - Salimpur, District - Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jain, Adv.

For the Opposite Party : Mrs. Sahin Begam, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 10-02-2017

Heard the parties.

The petitioners have been declared to be children in conflict with law, they being accused in Atri P.S. Case No. 106 of 2016, registered for the offence punishable under Section 392 of the Indian Penal Code. Apart from these petitioners, three other persons were also named in the First Information Report, who have been allowed concession of regular bail.

The petitioners after having been declared juveniles had applied for their release on bail before the Juvenile Justice



Board, Gaya (*hereinafter referred to as the "J.J. Board"*), which came to be rejected vide order dated 06.09.2016. An appeal preferred against the said order of the J.J. Board, dated 06.09.2016, also came to be rejected by the learned Sessions Judge, Gaya vide order, dated 28.10.2016, passed in Cr. Appeal No. 83 of 2016.

The petitioners are aggrieved by the said order, dated 28.10.2016, passed by the learned Sessions Judge, Gaya in the present criminal revision application, filed under Section 53 of the Juvenile Justice (Care & Protection of Children) Act, 2000.

Learned counsel for the petitioners has submitted that after the petitioners were apprehended, they have remained in custody/observation home sine 10.05.2016. He has also contended that without there being any material on record, learned court below and the J.J. Board have recorded a finding that if the petitioners are released on bail they will fall in association with criminals.

Learned counsel for the petitioners appears to be right in his submission, on the basis of perusal of records and the orders passed by this Court, whereby, other persons, who have been made accused, have been allowed bail.



Considering the above, this revision application is allowed. The order, dated 06.09.2016, passed by the Juvenile Justice Board, Gaya, and the order, dated 28.10.2016, passed by the learned Sessions Judge, Gaya, are set-aside.

Let the petitioners, above named, be released on bail on furnishing an affidavit by their fathers to the effect that they will look after the interest of the petitioners and will not allow them to fall in bad company. In addition to the affidavit, the fathers of the petitioners will also be required to furnish personal bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the **learned Sessions Judge, Gaya** in connection with **J.J.B. Case No. 82 of 2016 and Cr. Appeal No. 83 of 2016, arising out of Atri P.S. Case No. 106 of 2016.**

It is made clear that only on furnishing of such affidavit and sureties, the petitioners, above named, shall be released on bail.

(Chakradhari Sharan Singh, J)

Praveen-II/-

U		T	
---	--	---	--

