

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.81 of 2017

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1. Kaiff Ansari @ Md. Kaiff Ansari @ Md. Faiz Ansari, minor son of Noorul Ansari @ Noorul Amin through father and natural guardian namely Noorul Ansari @ Noorul Amin, son of Late Ramzan Mian, resident of Village- Adarchak, P.S.- Dumaria, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari

For the Respondent/s : Mr. Madan Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

5 10-04-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

The petitioner has been declared to be a juvenile, who has been made accused in Dumaria Police Station Case No. 40 of 2016, registered for the offences punishable under Sections 147, 148, 149, 341, 504, 323, 324, 307, 325, 448 and 380 of the Indian Penal Code.

His application for his release on bail has been rejected by the Juvenile Justice Board, Gaya. An appeal preferred by the petitioner against the order of the Juvenile Justice Board, Gaya, has been rejected by the learned Sessions Judge, Gaya, by judgment and order, dated 07.12.2016, passed in Criminal Appeal (Juvenile) No. 93 of



20165, which is being assailed in the present criminal revision application.

By an order, dated 20.02.2016, a report, as regards status of enquiry, under Section 14 Juvenile Justice (Care and Protection of Children) Act, 2015, before the Juvenile Justice Board, Gaya, was called for, pursuant to which, report, dated 01.03.2017, has been submitted. In the said report, learned Principal Judicial Magistrate, Juvenile Justice Board, Gaya, reported that the case was pending awaiting charge sheet and case diary. After having seen the report, the Chief Judicial Magistrate, Gaya, was asked to explain why the charge sheet and case diary could not be sent to the Juvenile Justice Board, Gaya. Learned Sub Divisional Judicial Magistrate, Sherghati, Gaya, has submitted, through his letter, dated 21.03.2017 (Flag-B), that the said charge sheet and case diary have since been sent to the Juvenile Justice Board, Gaya.

Learned Counsel appearing on behalf of the petitioner has submitted that it is not the allegation against the petitioner that he is a habitual offender and has committed any professional crime. It is evident from the First Information Report, he submits, that the occurrence had taken place in the village after some altercation between two groups and several persons of the concerned



family, including female members, have been implicated. According to him, the Board and the Court below have vaguely mentioned that the petitioner's release will defeat ends of justice.

I find substance in the submissions so advanced. The impugned orders, dated 07.12.2016 and 23.09.2016, are set aside. This application is allowed.

Let the petitioner 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, Gaya, in connection with Dumaria Police Station Case No. 40 of 2016. On furnishing of such affidavit and sureties, the petitioner shall be released on bail.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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