

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.496 of 2017

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1. Amarjit Kumar @ Tiger @ Amarjeet Kumar Son of Bhakt Raj Kishore Singh @ Bhakt Raj Kishore Resident of Village Banshi Bihgha, P.S. Tilkhauthu under the District of Rohtas, Bihar. Through his father and natural guardian Bhatkta Raj Kishore@ Bhakta Raj kishore Singh, Son of Sita Ram Singh Resident of Village- Banshi Bihgha,P.S. Tilkhauthu under the District oif Rohtas, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar
Mr. Manoj Kumar

For the Respondent/s : Mr. Shailendra Kumar Singh

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

6 17-07-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State of Bihar.

The petitioner has been declared juvenile in conflict with law. He is an accused in Barun Police Station Case No. 160 of 2015. He had applied for his release on bail before the Juvenile Justice Board, Aurangabad, which has been rejected by order, dated 03.01.2017. The petitioner, thereafter, preferred appeal against the order refusing his prayer for release on bail by the Juvenile Justice Board, Aurangabad, under Section 52 of the Juvenile Justice (Care



and Protection of Children) Act, 2015, giving rise to Criminal Appeal No. 04 of 2017, which has been rejected by learned Sessions Judge, Aurangabad, by order, dated 24.03.2017.

Aggrieved by the said order passed by the learned Sessions Judge, Aurangabad, the present criminal revision application, under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2015, has been filed.

Learned Court below has refused to accede to the petitioner's prayer for grant of bail mainly on the ground that if released on bail, he will fall in association with known criminals and he will also exposed to moral, physical and psychological danger and, therefore, his release will defeat the ends of justice.

The Juvenile Justice Board, Aurangabad, has submitted a report as regards stage of enquiry arising out of Barun Police Station Case No. 160 of 2015, from which it appears that the record before the Juvenile Justice Board is running at the state of explaining substance of accusation.

On perusal of the materials on record, the reasons assigned by the Courts below for refusing the petitioner to be released on bail cannot be said to be unreasonable, unjustified and without any valid basis.



The Court, however, cannot loose sight of the legislative intent, which lays down definite period, within which the Juvenile Justice Board is required to complete the enquiry against a juvenile after having been charged with offences and produced before the Juvenile Justice Board, under Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

This is unfortunate that the said requirement is not being given due weightage, leading to delay in completion of enquiry.

In the facts and circumstances of the case, without interfering with the impugned orders, I am of the view that interest of justice will be subserved if this application is disposed of with a direction to the Juvenile Justice Board, Aurangabad, to conclude the enquiry within a period of three months from the date of receipt/production of a copy of this order.

All concerned are directed to make best endeavor to ensure that completion of enquiry before the Juvenile Justice Board is not hindered since it is solemn duty of all the concerned functionaries to carry out the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.

If the enquiry, under Section 14 of the Juvenile



Justice (Care and Protection of Children) Act, 2015, is not concluded by the Juvenile Justice Board, Aurangabad, within the aforesaid period of four months, the petitioner may renew his prayer for his release on bail before appropriate forum in accordance with law.

Learned Counsel for the petitioner has submitted that the petitioner has to appear for B.Sc (Part-II) examination, which is commencing from 09.08.2017 and at least, for the said purpose, he should be allowed bail.

It is directed that if the petitioner produces, before the Juvenile Justice Board, Aurangabad, his admit card for the said examination, he shall be released on provisional bail forthwith for appearing at the examination, till conclusion of the examination, 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 Juvenile Justice Board, Aurangabad, in connection with J.J.T.R. No. 799 of 2016, arising out of Barun Police Station Case No. 160 of 2015.

During the period of examination, no date of enquiry before the Juvenile Justice Board, Aurangabad,



shall be fixed, if the petitioner is allowed provisional bail by virtue of the present order.

This application stands disposed of with the observation and direction, as above.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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