

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.304 of 2017

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1. Sudhanshu Kumar @ Chhotu Son of Sanjeev Prakash @ Bablu, resident of village - Bishanpur, Dr. M.N. Rai Gali, Ward No. 39, Thana - Nagar, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
With Mr. Amresh Kr. Singh

For the Respondent/s : Mr. Sri Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 19-05-2017 The petitioner has been declared a juvenile and he is an accused in Begusarai Nagar P. S. Case No. 502 of 2016, for commission of offence punishable under Sections 302/201/34 of the Indian Penal Code. His prayer for release on bail has been rejected by the Juvenile Justice Board, Begusarai, by an order, dated 28.10.2017, which has been affirmed by learned Sessions Judge, Begusarai, in Criminal Appeal No. 17 of 2017, by an order, dated 21.02.2017.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that though the Court below has assigned reason that if the petitioner is released on bail, there is apprehension of mental, physical and psychological danger and opportunity to mix up with hardened criminals, no basis has been mentioned for reaching such conclusion. I



find substance in the submission so made on behalf of the petitioner.

The impugned order. dated 21.02.2017, passed by the learned Sessions Judge, Begusarai in Criminal Appeal No. 17 of 2017 and the order, dated 28.01.2017, passed by the Juvenile Justice Board, Begusarai in J.J.B. Case No. 970 of 2016, arising out of Begusarai Nagar P. S. Case No. 502 of 2016, are, hereby, set aside.

The matter is remitted back to the Juvenile Justice Board, Begusarai for taking a decision afresh after seeking report from the Probation Officer on the point of petitioner's conduct and the effect if he is released to be on bail.

This application stands allowed.

(Chakradhari Sharan Singh, J)

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