

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.447 of 2017

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1. Awnish Kumar Son of Vijay Kumar @ Vijay Singh Resident of Village-Bishunpur Chak Pahar, P.O. Madhopur Hazari, P.S. Sahebganj, District-Muzaffarpur, through his father and natural guardian namely Vijay Kumar @ Vijay Singh, Son of Ramjit Singh Resident of Village-Bishunpur Chak Pahar, P.O. Madhopur Hazari. P.S.-Sahebganj Distt.-Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam

With Mrs. Anita Kumari

For the Respondent/s : Sri Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 09-05-2017

Heard learned counsel for the parties.

The petitioner has been declared to be a juvenile. He is an accused in Brahmpura P.S. Case No. 229 of 2016 registered for the offence punishable under Section 364A read with Section 34 of the Indian Penal Code. His application for release on bail was rejected earlier by the Juvenile Justice Board by an order, dated 31.01.2017. Subsequently, the learned Sessions Judge, Muzaffarpur, too, has rejected his appeal preferred against the said order passed by the Juvenile Justice Board, Muzaffarpur, by an order, dated 29.03.2017 passed in Criminal Appeal No. 20 of 2017.

What is alleged against the petitioner and other co-



accused person is that under a well planned conspiracy, they used to demand ransom from father of one of the accused persons, who claimed himself to have been kidnapped, though he was not so kidnapped.

Learned counsel for the petitioner has submitted that the Board and the Court below, has gone purely on the nature of allegation made against the petitioner, while refusing his prayer to release him on bail. He has submitted that Section 12 of the Juvenile Justice (Care & Protection of Children) Act, 2015 lays down clearly the grounds on which bail of a juvenile can be refused. No such ground has been mentioned in the orders impugned while refusing to release the petitioner on bail. He has also submitted that father of the petitioner is capable of ensuring that the petitioner does not indulge in such activities in future and does not fall in association with any criminal.

Learned counsel for the petitioner appears to be right in his submission. The Court below has not considered whether the release of the petitioner will lead him falling in association with known criminals or will be against the ends of justice.

Be that as it may, in the facts and circumstances of the case, the case for release of the petitioner on bail is made out.

This application is, accordingly, allowed. The orders



dated 31.01.2017 passed by the Juvenile Justice Board, Muzaffarpur and the learned Sessions Judge, Muzaffarpur, dated 29.03.2017 are 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 connection with Brahmpura P.S. Case No. 229 of 2016. On furnishing of such affidavit and sureties, the petitioner shall be released on bail.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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