

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.283 of 2017

=====

1. Vikram Kumar @ Vikramaditya Son of Shiv Shankar Singh, Resident of Village- Konchi, P.S.- Guraru, District- Gaya under guardian ship of his uncle namely Jai Shankar Pd. Son of Late Tanik Prasad Singh, Resident of Village- Konchi, P.S. Guraru, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Respondent/s : Mr. Md. Sufiyan

=====

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

2 18-05-2017 Heard learned Counsel for the petitioner and the learned Additional Public Prosecutor representing the State.

It is a peculiar case.

The petitioner has been declared a juvenile in connection with Guraru Police Station Case No. 43 of 2016, registered for the offences punishable under Sections 323/341/325/307/504/302/34 of the Indian Penal Code. The informant is the grandfather of the petitioner; whereas, the deceased is his own uncle. The informant also died after registration of the First Information Report. Apart from the petitioner, his father and mother, both of them, have been made accused in the said Guraru Police Station Case No. 43 of 2016.

The petitioner's age, as on the date of



occurrence, dated 18.05.2016, has been assessed between 14 and 15 years. His application for release on bail has been rejected by the Juvenile Justice Board, Gaya, by an order, dated 05.08.2016, which has been affirmed by learned Sessions Judge, Gaya, by his order, dated 11.11.2016, passed in Criminal Appeal (Juvenile) No. 79 of 2016.

The present criminal revision application, under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, has been preferred against the said orders passed by the Juvenile Justice Board and learned Sessions Judge, Gaya.

Learned Counsel for the petitioner, assailing the impugned orders, has made two submissions. He has, firstly, submitted that the First Information Report does not indicate petitioner's active participation in commission of the offence. He has, secondly, submitted that apparently the occurrence took place because of family dispute in which the petitioner's father and mother have also been made accused. His father is still in custody; whereas, his mother is on bail. According to him, considering the nature of the petitioner's involvement, as alleged in the First Information Report, it will be against the interest of the juvenile to allow him to remain in Observation Home, where he has already lived for nearly a year. According to him, if



the petitioner is released on bail, there is no chance that he will fall in association with known criminals or his release will, otherwise, be against interest of justice.

Learned Counsel for the petitioner appears to be right in his submissions. It is not a case where the request of bail of the juvenile ought to be rejected.

Considering the above, this revision application is allowed. The orders, dated 05.08.2016, passed by the Juvenile Justice Board, Gaya, and 11.11.2016, passed by learned Sessions Judge, Gaya, are set aside.

Let the petitioner be released on bail on furnishing an affidavit by his uncle, Jay Shankar Prasad, 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 said uncle 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 Guraru Police Station Case No. 43 of 2016. On furnishing of such affidavit and sureties, the petitioner shall be released on bail.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

