

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.594 of 2017

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1. Akhilesh Kumar, S/o Sitaram Prasad, resident of Village- Ahawar
Sheikh, P.S.- Majhauria, Dist- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Respondent/s : Mr. Md. Arif

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 02-08-2017 Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing on behalf of
the State.

The petitioner has been declared juvenile in conflict
with law. He is an accused in Excise P.R. Case No. 143 of
2016. He had applied for his release on bail before the
Juvenile Justice Board, Motihari, which has been rejected by
order, dated 06.02.2016. The petitioner, thereafter, preferred
appeal against the order refusing his prayer for release on
bail by the Juvenile Justice Board, Motihari, East Champaran,
under Section 52 of the Juvenile Justice (Care and Protection
of Children) Act, 2015 (hereinafter referred to as the Act),
giving rise to Criminal Appeal No. 30 of 2017, which has been
rejected by learned Sessions Judge, East Champaran at
Motihari, by order, dated 11.04.2017.



Against the said order passed by the learned Sessions Judge, East Champaran at Motihari, 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 be exposed to moral, physical or psychological danger and his release will, thus, defeat the ends of justice.

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 Act.

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 order, 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, East Champaran at Motihari to conclude the enquiry within a period of four months from the date of receipt/production of a copy of this order.

All concerned are directed to make best endeavour 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 Act, 2015.

If the enquiry, under Section 14 of the Juvenile Justice Act, 2015 is not concluded 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.

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

(Chakradhari Sharan Singh, J)

ArunKumar/-

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