

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.598 of 2017

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Lucky@ Harshbaradhan Jha under guardianship of his natural guardian father Sri Avinash Kumar Jha @ Chunchun Jha, S/o Balmukund Jha, resident of Village Vikrampur @ Suryapur, P.S.- Tajpur (Halai O.P.), District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy

For the Respondent/s : Mr. Smt. Reena Sinha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 21-07-2017 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 Tajpur (Halai O.P.) P.S. Case No.289 of 2016. He had applied for his release on bail before the Juvenile Justice Board, Samastipur, which has been rejected by order, dated 04.02.2017. The petitioner, thereafter, preferred appeal against the order refusing his prayer for release on bail by the Juvenile Justice Board, Samastipur, under Section 52 of the Juvenile Justice (Care and Protection of Children) Act, 2015, giving rise to Criminal Appeal No.07 of 2017, which has been rejected by learned Sessions Judge, Samastipur, by order, dated



17.04.2017.

Aggrieved by the said order passed by the learned Sessions Judge, Samastipur, 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 his release will 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 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, Samastipur, 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 (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, Samastipur, 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.

Arvind/-

(Chakradhari Sharan Singh, J)

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