

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.740 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- PURNIA

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Md. Tabarak @ Md. Tabarak Alam Minor S/o Md. Aminuddin through his father and natural guardian Md. Aminuddin S/o Akhtar Hussain resident of village Mahendrapur, P.S. Sadar (Muffasil) Dist. - Purnea.

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar, Advocate

For the State : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 08-09-2017

Heard learned counsel for the petitioner and learned APP appearing on behalf of the State.

2. The petitioner is an accused in Sadar (Muffasil) P.S. Case No.270 of 2016, registered under Section 302 and other allied sections of the Indian Penal Code. He was declared juvenile by the Juvenile Justice Board, Purnea but his bail petition was rejected by the Board as well as by the 1st Additional Sessions Judge, Purnea in the appeal.

3. Learned counsel appearing on behalf of the petitioner submits that Juvenile Justice Board, Purnea refused the bail on the ground that in case of release of the petitioner, he would be exposed to moral, physical or psychological danger, where the appellate court rejected bail as his release was not in the interest of justice but no reasoning is assigned by either of the courts for coming to that conclusion. Moreover, this petitioner is of the age in between 15 to 16 years and have fair antecedent and this is a case of assault by hand and legs in which one old lady is said to have



succumbed to the assault.

4. Having gone through the order of Juvenile Justice Board, Purnea as well as of the 1st Additional Sessions Judge, Purnea, this Court finds that no reason is assigned by either of the courts for rejecting the bail. Merely stating that his release would be not in the interest of justice or he would be exposed to physical, moral or psychological danger is not enough. In order to reach to the conclusion, the court must give cogent reason otherwise grant of bail to a juvenile in conflict of law is a rule.

5. Considering the aforesaid facts and circumstances, let petitioner, named above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Purnea in connection with Sadar (Muffasil) Case No.270 of 2016 (G.R. No.2386 of 2016).

6. The criminal revision application stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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