

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.294 of 2017

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1. Prince Kumar son of Sri Kali Prasad resident of village - Babani Nagma, P.S. - Sirdalla, District - Nawadah under the guardianship of his father namely Sri Kali Prasad, resident of village - Babani Nagma, P.S. - Sirdalla, District - Nawadah.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramendra Prasad

For the Respondent/s : Mr. Sri Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

7 06-07-2017 Heard learned Counsel for the petitioner and the learned Additional Public Prosecutor representing the State.

The petitioner has been declared to be a juvenile. He has been made accused in Sirdala P.S. Case No. 207 of 2014, registered for the offences punishable under Sections 304B and 201/34 of the Indian Penal Code. He is aggrieved, in the present criminal revision application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000, by an order, dated 24.01.2017, passed by the learned Sessions Judge, Nawada, in Criminal Appeal (Juvenile) No. 02 of 2017, whereby he has refused to interfere with the order, dated 05.01.2017, passed by the learned Principal Magistrate, Juvenile Justice Board, Nawada, refusing the petitioner's application for his release on bail.

From the impugned orders I find that the petitioner's



application has been rejected mainly on the ground that the petitioner's release on bail would defeat the ends of justice and it may also cause hindrance in the enquiry.

Learned counsel appearing on behalf of the petitioner has submitted that he has been falsely implicated by the informant at the instance of the local residents.

Considering the fact that the petitioner is an accused under Section 304 B of the Indian Penal Code and he has been found to be a juvenile by the Juvenile Justice Board, in my view, he deserves to be released on bail.

Considering the above, this revision application is allowed. The order, dated 01.03.2017, passed by the learned Sessions Judge, Gaya, is set aside.

Let the petitioner 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Nawada, in connection with G.R. No. 2738/2014 arising out of Sirdala P.S. Case No. 207 of 2014. On furnishing of such affidavit and sureties, the petitioner shall be released on bail.

(Chakradhari Sharan Singh, J)

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