

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.702 of 2017

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Wakil Kumar, son of Dashrath Singh, natural guardian of petitioner,
resident of village - Bikram Bigha,P.S. - Tilauthu, District - Rohtas.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay, Advocate.

For the Respondent/s : Mr. Rajeev Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

2 30-08-2017 Heard learned counsel for the petitioner and the State.

The petitioner has filed this application challenging order dated 20.01.2017 passed by the learned Sessions Judge, Aurangabad in Cr. Appeal No. 51 of 2016 whereby rejected bail of the petitioner upholding order dated 29.10.2016 passed by the Juvenile Justice Board, Aurangabad in G.R. No. 2293 of 2015 (Tr. No. 780 of 2016) arising out of Baroon P.S.Case No. 172 of 2015.

The petitioner is one of the accused in Baroon P.S.Case No. 172 of 2015 registered under Sections 399, 402, 412 and 120B of the Indian Penal Code and Section 25(1-b)a/26/35 of the Arms Act. A country made pistol with three live cartridges are recovered from his possession as per the allegation.

Learned counsel for the petitioner submits that



petitioner was found juvenile by the Juvenile Justice Board precisely, 17 years 06 months and 28 days of age and he has been falsely implicated in other cases on the basis of confessional statement of other co-accused.

Perused the impugned order passed by the court below, the Court finds that prayer for bail of the petitioner was rejected on grounds that on release, he may go in association of known criminals as he is not under good guardianship and may be exposed to physical, moral or psychological danger.

In case of juvenile, gravity of crime is not a condition for refusal of bail but bail may be refused if on release, he may go into association of known criminals or his release may expose him to moral, physical or psychological danger and if the same is not in the interest of justice. The petitioner has got criminal antecedent of serious nature like Arms Act and of Sections 302/364 of the Indian Penal Code, there are altogether 04 cases, excluding present one, pending against him. So, the Sessions Judge has rightly refused the petitioner's bail in order to protect him from going into association of known criminals, consequently being exposed to moral, physical and psychological danger, so, petitioner's release is not in his own interest. Therefore, the prayer for bail of the petitioner is refused.



However, the Juvenile Justice Board is directed to expedite the enquiry and conclude the same in accordance with law.

(Arun Kumar, J)

Sujit/-

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