

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.744 of 2016

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1. Raushan Kumar Sahani @ Raushan Sahani @ Raushan Kumar Son of
Ram Charitar Sahani resident of Bundel Khand, P.S.- Basopatti, District-
Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo yadav

For the Respondent/s : Mr. Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

4 31-01-2017 Heard learned Counsel for the petitioner and
the learned Additional Public Prosecutor representing the
State.

The petitioner is an accused in Madhubani Town
Police Station Case No. 130 of 2016, registered for the
offences punishable under Sections 379/411/414/401/403/
413/467/468/471/419/420/34 of the Indian Penal Code. He
has been declared to be a juvenile and presently he is in
Observation Home.

His plea for his release on bail has been
rejected by the Juvenile Justice Board, Madhubani, by
order, dated 19.04.2016, passed in G. R. No. 707 of 2016.
His appeal, against the said order of the Juvenile Justice
Board, Madhubani, refusing to allow his prayer for bail, has



also been rejected by learned Sessions Judge, Madhubani, by order, dated 14.06.2016, passed in Criminal Appeal No. 43 of 2016/12 of 2016.

The present criminal revision application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000, has been filed questioning the aforesaid order, dated 14.06.2016.

From the impugned orders, I find that the Courts below have refused to accept his prayer for release on bail, there being possibility that he may fall in association with criminals and there was also possibility that his release will expose him to moral, psychological and physical danger.

It appears that at the time of passing of the impugned orders, no social investigation report, submitted by Probation Officer, was considered by the Court below, the same being not available. It transpires that the petitioner was found to be 13 years of age as on the date of occurrence. At the same time, the Courts below have, prima facie, concluded that the petitioner has been involved in criminal activities in association with hard criminals.

Pursuant to an order of this Court, the Principal Magistrate, Juvenile Justice Board, Madhubani, has submitted a report regarding stage of enquiry under



Section 14 Juvenile Justice (Care and Protection of Children) Act, 2000, from which it appears that the enquiry has yet not begun.

Learned Counsel for the petitioner has submitted that considering the age of the petitioner, it will be detrimental to him if he is allowed to remain in Observation Home any more. It has also been submitted that the father of the petitioner is in a position to look after him and ensure that he does not fall in association with the criminals.

Considering the age of the petitioner at the time of occurrence, I am of the view that he deserves to be released on bail, which would be in his best interests, in the facts and circumstances of the case, so that he may stay with his family.

Accordingly, this revision application is allowed. The orders, dated 19.04.2016 and 14.06.2016 are 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/- with two sureties of the like amount



each to the satisfaction of the learned Juvenile Justice Board, Madhubani, in connection with EN No. 722 of 2016 (G. R. No. 707 of 2016). On furnishing of such affidavit and sureties, the petitioner shall be released on bail.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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