

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.767 of 2016

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Rakesh Kumar, son of Sri Naresh Yadav, under the guardianship of his father namely, Naresh Yadav, resident of Village- Kenuhat (Kewali), P.S- Laxmipur, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto, Adv.

For the Respondent/s : Mr. S. Ehteshamuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 10-01-2017 Heard the parties.

A short submission has been made on behalf of the petitioner that on the basis of vague observation that the petitioner may fall in company with criminals, his application for bail has been rejected by the learned court below. According to him, before reaching this conclusion and rejecting the petitioner's application for bail, who is a juvenile, learned court below did not seek any report from the Probation Officer. He has placed reliance on an order of this Court, dated 22.11.2016, passed in Cr. Misc. No. 593 of



2016, wherein, in similar circumstance the matter of co-accused, namely, Yugal Yadav @ Jugal Yadav, was remanded back to the learned court below for considering his case afresh after calling for a report from the Probation Officer, under the Juvenile Justice (Care and Protection of Children) Act, 2015.

In view of the submission so advanced on behalf of the petitioner, this application is allowed. The order, dated 23.06.2016, passed by the Court of learned Additional District and Sessions Judge-I, Jamui, in Cr. Juvenile Appeal No. 16 of 2016, is set-aside. The matter is remanded back to the learned court below to consider the petitioner's application for bail afresh in accordance with the observations made in case of Yugal Yadav @ Jugal Yadav Vs. The State of Bihar (***supra***).

This application is, accordingly, disposed of.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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