

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1087 of 2016

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Nahid Alam, Son of Seikh Manzarul Alam, under the guardianship of his father and natural guardian, R/o Vill.-Barewa, P.O. and P.S.-Dhaka, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 18-04-2017 The age of the petitioner, on the date of occurrence, i.e., 04.02.2016, has been found to be between 14 to 15 years. He has been made accused in Dhaka P.S. Case No. 25 of 2016 for the commission of offence punishable under Section 376 of the Indian Penal Code, Section 3(ii) (iii) (v) and (xii) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act and Section 6 of the Prevention of Children from Sexual Offence Act. He was immediately apprehended and after having been produced before the Juvenile Justice Board, he was kept in observation home.



The petitioner's application for bail has been rejected by the Juvenile Justice Board, East Champaran at Motihari by an order, dated 17.06.2016, which has been affirmed by the learned appellate Court, i.e., learned 1st Additional Sessions Judge, East Champaran at Motihari by an order, dated 22.09.2016, passed in Cr. Appeal No. 97 of 2016. The Juvenile Justice Board and the court below have refused to release the petitioner on bail, on the ground that his release will expose him to moral, physical and psychological danger.

Learned counsel for the petitioner has submitted that his father is capable enough to look after the welfare of the petitioner and to ensure that he may not be exposed to moral, physical and psychological danger. He has further submitted that no tangible purpose is going to be served if the boy of his age is allowed to remain away from his parents any further.

Considering the facts and circumstances of the case and the age of the petitioner as on the date of occurrence, in my view, it is a fit case in which a juvenile should be released on bail.

The impugned orders, dated 17.06.2016, passed by the Juvenile Justice Board, East Champaran at Motihari and 22.09.2016, passed by the learned 1st Additional Sessions Judge,



East Champaran at Motihari deserve to be set-aside and are, accordingly, set-aside.

This criminal revision application is allowed.

Let the petitioner, above named, 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 learned 1st Additional Sessions Judge, East Champaran at Motihari, in connection with Dhaka P.S. Case No. 25 of 2016. It is made clear that only on furnishing of such affidavit and sureties, the petitioner, above named, shall be released on bail.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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