

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1108 of 2016

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1. Pankaj Kumar S/o Shiv Narayan Mahto Resident of Village Chand Chour
Mathurapur, P.S. Ujiarpur District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Respondent/s : Mr. Sri Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

8 07-04-2017 Heard learned counsel for the parties.

Seen the report, dated 10.03.2017, submitted by the learned Chief Judicial Magistrate, Samastipur, wherein, it has been mentioned that the charge-sheet, case diary and cognizance order have been sent to the Juvenile Justice Board.

The petitioner is a juvenile. He is an accused of commission of offence punishable under Section 302 of the Indian Penal Code. This application for release of the petitioner has been rejected by the Juvenile Justice Board, Samastipur in connection with concerned Ujiarpur P. S. Case No. 28 of 2016. His appeal against the refusal to release him on bail has been dismissed by the learned Sessions Judge, Samastipur. This is why the petitioner has filed the present criminal revision application against the said two



orders passed by the Juvenile Justice Board and the Court below.

On perusal of the order impugned passed by the learned Sessions Judge, I find that the learned court below has dismissed the same and has not applied properly Section 12 of Juvenile Justice (Care & Protection of Children) Act, 2015, which deals with the circumstances in which bail of a juvenile can be rejected.

Section 12 of the Act makes it clear that a juvenile shall not be released if there appears reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice. There is no discussion on these aspects in the impugned order.

The impugned order dated, 03.09.2016, is accordingly, set aside. The matter is remanded back to the Court of learned Sessions Judge, Samastipur to pass an order afresh on the petitioner's appeal being Criminal Appeal No. 37 of 2016 filed under Section 52 of the Juvenile Justice (Care & Protection of Children) Act, 2015.

This application is allowed with the observations as above.

(Chakradhari Sharan Singh, J)

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