

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.342 of 2017

=====

1. Rahul Kumar, S/o Ram Ekbal Thakur, R/o vill. - Chailah Pakariya, P.S.
Banjariya, Distt. - East Champaran Petitioner/s

Versus

1. The State of Bihar Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Respondent/s : Mr. Sri Ahmad Ali

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

4 13-07-2017 Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor representing the State

of Bihar.

The petitioner has been declared juvenile in
conflict with law. He is an accused in Motihari Mahila Police
Station Case No. 70 of 2016. He had applied for his release
on bail before the Juvenile Justice Board, Motihari, which
has been rejected by order, dated 03.01.2017. The
petitioner, thereafter, preferred appeal against the order
refusing his prayer for release on bail by the Juvenile
Justice Board, Motihari, under Section 52 of the Juvenile
Justice (Care and Protection of Children) Act, 2015, giving
rise to Criminal Appeal No. 06 of 2017, which has been
rejected by learned Additional Sessions Judge I, East
Champaran, at Motihari, by order, dated 20.02.2017.

Aggrieved by the said order passed by the



learned Additional Sessions Judge I, East Champaran, at Motihari, the present criminal revision application, under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2015, has been filed.

Learned Court below has refused to accede to the petitioner's prayer for grant of bail mainly on the ground that if released on bail, he will be exposed to moral, physical and psychological danger and his release will defeat the ends of justice.

On perusal of the materials on record, the reasons assigned by the Courts below for refusing the petitioner to be released on bail cannot be said to be unreasonable, unjustified and without any valid basis.

The Court, however, cannot loose sight of the legislative intent, which lays down definite period, within which the Juvenile Justice Board is required to complete the enquiry against a juvenile after having been charged with offences and produced before the Juvenile Justice Board, under Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

This is unfortunate that the said requirement is not being given due weightage, leading to delay in completion of enquiry.

In the facts and circumstances of the case,



without interfering with the impugned orders, I am of the view that interest of justice will be subserved if this application is disposed of with a direction to the Juvenile Justice Board, East Champaran, at Motihari, to conclude the enquiry within a period of four months from the date of receipt/production of a copy of this order.

All concerned are directed to make best endeavor to ensure that completion of enquiry before the Juvenile Justice Board is not hindered since it is solemn duty of all the concerned functionaries to carry out the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.

If the enquiry, under Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2015, is not concluded by the Juvenile Justice Board, East Champaran, at Motihari, within the aforesaid period of four months, the petitioner may renew his prayer for his release on bail before appropriate forum in accordance with law.

This application stands disposed of with the observation and direction, as above.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

