

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.896 of 2016

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Md. Addam @ Addam @ Adham, son of Md. Atabul, resident
of Village- Milki Dumariya, Police Station- Fulkaha, District-
Araria, under the guardianship of his Uncle, namely Md.
Imamul, S/o Late Gafur @ Taru, Address- Do.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

Mr. Mukesh Kumar Rana, Adv.

For the Respondent/s : Mr. Shantanu Kumar, APP

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

ORAL ORDER

2 17-01-2017 Heard the parties.

Aggrieved by an order, dated 02.07.2016, passed
by learned Sessions Judge, Araria, in Cr. Appeal No. 12 of
2016, whereby, he has refused to interfere with the order,
dated 08.06.2016, passed by the Juvenile Justice Board,
Araria, disallowing the petitioner's prayer for his release on
bail, the present criminal revision application has been filed.

The petitioner is admittedly a juvenile. Allegedly
he was caught when he was attempting to establish physical



relationship with the informant's daughter.

The petitioner is said to be under observation, in connection with Araria (Mahila) P.S. Case No. 25 of 2015, corresponding to G.R. Case No. 1684 of 2015, since 19.04.2016.

A supplementary affidavit has been filed on behalf of the petitioner bringing on record Social Investigation Report, prepared by the Principal Probation Officer, Araria, wherein he has recorded that for better future of the juvenile, he should be kept under the care and protection of his parents.

What I find from the order impugned is that the learned Sessions Judge, Araria has refused to release the petitioner on bail, on the ground that his release will affect the ends of justice and it will expose him to moral, physical and psychological danger. There is nothing however mentioned in the said order as to on what basis learned Sessions Judge arrived at this conclusion.

Considering the facts and circumstances of the case, nature of dispute and the report of the Principal Probation Officer, brought on record by way of Annexur – X to the supplementary affidavit filed on behalf of the petitioner, this application is allowed.

The orders, dated 02.07.2016 and 08.06.2016,



are set-aside.

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 the learned Juvenile Justice Board, Araria, in connection with Araria (Mahila) P.S. Case No. 25 of 2015 (G.R. Case No. 1684 of 2015). 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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