

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1085 of 2016

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Mahendra Kumar @ Mahindra Kumar, S/o Naresh Ram,
Resident of Village - Ambari, Police Station -
Shekhopursarai, District- Shekhpura, under the
guardianship of his mother namely Urmila Devi w/o Naresh
Ram at litem.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Gautam

For the Respondent/s : Mr. Navin Kumar Pandey

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

ORAL ORDER

2 25-01-2017

Heard the parties.

The present criminal revision application,
under Section 53 of the Juvenile Justice (Care and
Protection of Children) Act, 2000, has been filed against
an order, dated 19.09.2016, passed by the learned 1st
Addl. District & Sessions Judge, Shekhpura, in Cr. Appeal



No. 13 of 2016, whereby, he has affirmed the order, dated 05.05.2016, passed by the Juvenile Justice Board, Shekhpura, in POCSO Case No. 06 of 2016, refusing petitioner's application for his release on bail.

The petitioner has been made accused of commission of offence punishable under Sections 354 and 377 of the Indian Penal Code and Section 4 of the Prevention of Children from Sexual Offence Act in POCSO Case No. 06 of 2016, arising out of Shekhpura Mahila P.S. Case No. 11 of 2016.

It is submitted on behalf of the petitioner that it is evident from the records that on the alleged date of occurrence, i.e., 04.05.2016, the petitioner was 14 years of age. It has further been submitted that the petitioner is a school going boy and his continuance in observation home any further will adversely affect his growth. The petitioner is apparently under observation for more 8 months.

From impugned order, I find that the Social Investigation Report is adverse, suggesting that the petitioner is an addict and he has been caught by the people while committing theft. However, considering the minor age of the petitioner, I am of the view that it will



be in the best interest of the child to be allowed to live in his family, under the guardianship of his parents.

Learned counsel for the petitioner has submitted that if the petitioner is released on bail, the parents shall take proper care of him, so that he does not fall in bad company or indulge himself in any other criminal activities.

Considering the facts and circumstances and the submission so advanced on behalf of the petitioner, in my opinion, the impugned orders, dated 05.05.2016, passed by the Juvenile Justice Board, Shekhpura, and 19.09.2016, passed by the learned 1st Addl. District & Sessions Judge, Shekhpura, deserve to be set-aside and are, accordingly, set-aside.

This criminal revision application is allowed.

Let the petitioner 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 Addl. District & Sessions Judge, Shekhpura,



in connection with POCSO Case No. 06 of 2016, arising out of Shekhpura Mahila P.S. Case No. 11 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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