

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.24 of 2017

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1. Arjun Yadav Son of Kirtu Yadav Resident of Villag-e Khardih, P.S. Mohanpur, District- Gaya through its mother and natural guardian Namely Gauri Devi, Wife of Kirtu Yadav, Resident of Village- Khardih, P.S. Mohanpur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. B. K. Mangalam, Advocate
Mr. Ravi Ranjan, Advocate

For the Respondent/s : Mr. Ram Naresh Ray. APP

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

2 06-02-2017 Heard learned Counsel for the petitioner and the learned Additional Public Prosecutor representing the State.

The petitioner has been declared to be a juvenile. He has been made accused in Barachatti Police Station Case No. 544 of 2015, registered for the offences punishable under Section 314, 148, 448, 341, 323, 325, 307, 302, 379, 504 and 506 of the Indian Penal Code. He is aggrieved, in the present criminal revision application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000, by an order, dated 25.07.2016, passed by the learned Sessions Judge, Gaya, in Criminal Appeal



(Juvenile) No. 44 of 2016, whereby he has affirmed the order, dated 20.06.2016, passed by the Juvenile Justice Board, Gaya, in Barachatti Police Station Case No. 544 of 2015, whereby bail application of the petitioner has been rejected.

Learned Counsel for the petitioner has submitted that all members of a family, including the petitioner, have been implicated in the case because of some dispute of civil nature between the two families. According to him, there is nothing to show active participation of the petitioner in the occurrence. Except that his name figures in the First Information Report, there is no allegation against him. He has, next, submitted, drawing my attention to the impugned orders, that in a mechanical manner, the Juvenile Justice Board and the Appellate Court have rejected the petitioner's prayer for his release on bail, by mentioning vaguely that his release would defeat the ends of justice.

On perusal of the materials on record, I find substance in the submission made on behalf of the petitioner.

The Juvenile Justice Board and the Appellate Court, before rejecting the petitioner's application, had not called for any social investigation report to reach this



conclusion. The petitioner is in Observation Home since 07.01.2016. On perusal of material on record, in my view, a case of release of the petitioner on bail is made out.

Considering the above, this revision application is allowed. The order, dated 25.07.2016, passed by the learned Sessions Judge, Gaya, is set aside.

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 the learned Juvenile Justice Board, Gaya, in connection with Barachatti Police Station Case No. 544 of 2015. On furnishing of such affidavit and sureties, the petitioner shall be released on bail.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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