

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.510 of 2017

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1. Aayush Kumar @ Ayush Kumar @ Golu Son of Late Binay Kumar Rai,
R/o Village- Mortar, P.S.- Garhapura, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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with

Criminal Revision No.526 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- BEGUSARAI

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1. Aayush Kumar @ Ayush Kumar @ Golu S/o Late Binay Kumar Rai R/o
Vill - Mortar, P.S. - Garhapura, Dist. - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

(In CR. REV. No.510 of 2017)

For the Petitioner/s : Mr. Kumar Binode Bariar

For the Respondent/s : Ms. Sucheta Yadav

(In CR. REV. No.526 of 2017)

For the Petitioner/s : Mr. Kumar Binode Bariar

For the Respondent/s : Mr. Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

3 06-07-2017 Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor representing the State

of Bihar.

The petitioner, in both the cases, has been

declared juvenile in conflict with law. He is an accused in



Garhara Police Station Case Nos. 72 and 73 of 2016. He had applied for his release on bail, in the said cases, before the Juvenile Justice Board, Begusarai, which have been rejected by orders, dated 02.02.2017 and 04.02.2017 respectively. The petitioner, thereafter, preferred appeals against the said orders refusing his prayer for release on bail by the Juvenile Justice Board, Begusarai, under Section 52 of the Juvenile Justice (Care and Protection of Children) Act, 2015, giving rise to Criminal Appeal Nos. 21 and 20 of 2017, which have been rejected by learned Sessions Judge, Begusarai, by separate order, dated 27.03.2017.

Aggrieved by the said orders passed by the learned Sessions Judge, Begusarai, the present criminal revision applications, under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2015, have been filed.

Learned Court below has refused to accede to the petitioner's prayer for grant of bail, in both the cases, mainly on the ground that if released on bail, he will be exposed to moral, physical or psychological danger and there is likelihood of his being in association with known criminals.

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 these applications are disposed of with a direction to the Juvenile Justice Board, Muzaffarpur, to conclude the enquiries within a period of three 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 enquiries 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 enquiries, under Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2015, are not concluded by the Juvenile Justice Board, Begusarai, within the aforesaid period of three months, the petitioner may renew his prayer for his release on bail before appropriate forum in accordance with law.

These applications stand disposed of with the observation and direction, as above.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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