

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1256 of 2016

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1. ANISH KUMAR @ AVNISH KUMAR, S/o Binod Ram under Guardianship of his Mother namely Khikhanati Devi, resident of Village Majorganj, P.S. Majorganj, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Respondent/s : Mr. Sri Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 09-03-2017 Heard learned counsel for the parties.

2. From the report submitted by the learned Chief Judicial Magistrate, Sitamarhi, dated 03.03.2017, it appears that by now the order taking cognizance has been made available to the Juvenile Justice Board, Sitamarhi.

3. The petitioner has been declared to be a juvenile in conflict with law. He is an accused in Bairgania P.S. Case 56 of 2016 corresponding to J.J.B Case No. 1470 of 2016. His application for his release on bail has been rejected by the Juvenile Justice Board, Sitamarhi and such rejection has subsequently been confirmed by the learned Sessions Judge, Sitamarhi, by the impugned order, dated 26.10.2016 passed in Criminal Appeal No. 69 of 2016.

4. I have perused the impugned order passed by



learned Sessions Judge, Sitamarhi, dated 26.10.2016, whereby he has rejected the petitioner's bail on the ground of seriousness of the offence and has thus, not applied the mandate of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, according to which, a juvenile may not be released on bail only if there appears reasonable ground for believing that his release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that this his release would defeat the ends of justice.

5. The impugned order, dated 26.10.2016 passed by the learned Sessions Judge, Sitamarhi in Criminal Appeal No. 69 of 2016 cannot be sustained. The order is accordingly, set aside.

6. The matter is remanded back to the Court of learned Sessions Judge, Sitamarhi to pass an order afresh on the petitioner's appeal. Such order must be passed within a period of one month from the date of the communication of the present order.

7. This application is allowed.

ArunKumar/-

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(Chakradhari Sharan Singh, J)

