

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1140 of 2016

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Ram Kumar Sharma, S/o Ram Pravesh Sharma, resident of
Kasturipur, P.S.-Khudwan, District-Aurangabad, Under the
Guardianship of his father, namely, Ram Pravesh Sharma.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Respondent/s : Mrs. Madan Kumar

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

ORAL ORDER

4 24-04-2017

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
the judgment and order, dated 29.09.2016, passed by the
learned Sessions Judge, Aurangabad, in Cr. Appeal No. 43
of 2016 (CIS No. 46/2016), whereby, he has affirmed the
order, dated 28.08.2016, passed by the Juvenile Justice
Board, Aurangabad, in G.R. No. 615 of 2008/Tr. No. 839 of
2016, arising out of Khudwan P.S. Case No. 16 of 2008,



refusing petitioner's application for his release on bail.

As on the date of occurrence, i.e., 13.03.2008, the petitioner has been found to be a juvenile. He has been made accused in a case registered for the offence punishable under Section 304B of the Indian Penal Code. He is the younger brother of the husband of the deceased. He is in observation home since 06.08.2016.

Learned Senior Counsel, appearing on behalf of the petitioner, has submitted that no role has been attributed to the petitioner in the First Information Report, which could be the basis for his implication in the case. He has submitted that the petitioner has been named in the First Information Report, only because he is the younger brother of the husband of the deceased. He has thirdly submitted that considering the nature of allegation, it cannot be said that his release may lead him falling in association with criminals or it will defeat ends of justice.

I find substance in the submissions, so advanced on behalf of the petitioner. The impugned orders, dated 29.09.2016 and 20.08.2016, 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 Sessions Judge, Aurangabad, in connection with Cr. Appeal No. 43 of 2016 (CIS No. 46/2016), arising out of Khudwan P.S. Case No. 16 of 2008.

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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