

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.483 of 2017

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1. Raja Kumar, son of Garib Nath Sahani, resident of Village- Sikandarpur
P.S.- Ahiyapur, Distt- Muzaffarpur (under the Guardianship of his father
Garib Nath Sahani son of Late Sahani, resident of Village- Sikandarpur,
P.S.- Ahiyapur, Distt- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Respondent/s : Mr. Sri Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 19-05-2017 Admittedly, the petitioner has been declared a juvenile as on the date of the occurrence. He has been made accused in Bochhan P.S. Case No. 163 of 2016, registered for the offence punishable under Sections 414/34 of the Indian Penal Code and Sections 25(1-B)/A/26/35 of the Arms Act. His application for release on bail has been rejected by the Juvenile Justice Board by order, dated 17.01.2017, which has been affirmed by the learned Sessions Judge, Muzaffarpur in Criminal Appeal No. 19 of 2017. The aforesaid two orders are under challenge in the present criminal revision application.

Learned counsel appearing on behalf of the petitioner appears to be right in his submission that the Court below and the Board have failed to appreciate the intent of Section 12 of the Juvenile Justice (Care & Protection of Children) Act,



2000 and that there was absolutely no basis for the Board and the Court below to refuse petitioner's prayer for bail, there being nothing adverse against him.

Considering the nature of petitioner's involvement in the alleged occurrence and since there is nothing on record to suggest that the petitioner may fall in association with the known criminals and his release will defeat the ends of justice, this application is allowed. The order dated 27.03.2017 passed by learned Sessions Judge, Muzaffarpur in Cr. Appeal No. 19 of 2017 and the order, dated 17.01.2017 passed by the Juvenile Justice Board, is, hereby, 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, Muzaffarpur in connection with Bochhan P.S. Case No. 163 of 2016. On furnishing of such affidavit and sureties, the petitioner shall be released on bail.

(Chakradhari Sharan Singh, J)

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