

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.401 of 2017

=====

1. Santosh Kumar @ Santosh Ram, S/o Ashok Ram, R/o Chechol, P.S.-
Naubatpur, Distt- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar

For the Respondent/s : Mr. Satya Nand Shukla

=====

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

4 12-06-2017 Heard learned Counsel for the petitioner and

the learned Additional Public Prosecutor representing the

State.

The petitioner is aggrieved by judgment and
order, dated 07.03.2017, passed by learned Sessions
Judge, Patna, in Criminal Appeal No. 17 of 2017, whereby
the petitioner's appeal against the order, dated 07.01.2016,
passed by the Juvenile Justice Board, Patna, in JJB No. 444
of 2016, refusing him to release on bail has been
dismissed.

The petitioner has been declared to be a
juvenile by Juvenile Justice Board, Patna, which fact is not
in dispute. He is an accused in JJB No. 444 of 2016, arising
out of Naubatpur Police Station Case No. 665 of 2015,
registered for the offences punishable under Section



498A/304B/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

The petitioner is said to be the husband of the deceased. In connection with the said case, the petitioner was apprehended and he is said to be in the Observation Home since 02.12.2015.

I have perused the impugned order, dated 07.03.2017, rejecting the petitioner's appeal against the order passed by the Juvenile Justice Board, Patna, refusing his prayer for release on bail. I find from the said order that there is no discussion that why the petitioner, being a juvenile, ought not to have been released on bail. Only on the ground of gravity of the offence, his application for release on bail was rejected by the Juvenile Justice Board, Patna, vaguely recording that if released on bail, there was chance of the petitioner falling in association with anti-social elements and known criminals.

In the facts and circumstances, in my view, a case for interference with the impugned orders is made out as the petitioner, a juvenile, deserves to be released on bail.

Accordingly, this revision application is allowed. The order, dated 07.03.2017, passed by the learned Sessions Judge, Patna, 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, Patna, in connection with JJB No. 444 of 2016, arising out of Naubatpur Police Station Case No. 665 of 2015. On furnishing of such affidavit and sureties, the petitioner shall be released on bail.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

