

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.515 of 2017

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1. Vicky Kumar, son of Babita Kumari/S.B. Kumar @ Shashi Bhusan Singh
@ Fauji Singh, Resident of Kalambag Chowk, Gannipur, Police Station-
Kazi Mohammadpur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh

For the Respondent/s : Mr. Smt Usha Kumari No-1

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 14-07-2017 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor representing the State
of Bihar.

The petitioner has been declared juvenile in
conflict with law. He is an accused in S.C./S.T. Muzaffarpur
Police Station Case No. 89 of 2016. He had applied for his
release on bail before the Juvenile Justice Board,
Muzaffarpur, which has been rejected by order, dated
17.01.2017. The petitioner, thereafter, preferred appeal
against the order refusing his prayer for release on bail by
the Juvenile Justice Board, Muzaffarpur, under Section 52
of the Juvenile Justice (Care and Protection of Children)
Act, 2015, giving rise to Criminal Appeal No. 04 of 2017,
which has been rejected by learned Additional Sessions
Judge I -cum- Special Judge (POCSO Act), Muzaffarpur, by



order, dated 24.03.2017.

Aggrieved by the said order passed by the learned Court below, the present criminal revision application, under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2015, has been filed.

Learned Court below has refused to accede to the petitioner's prayer for grant of bail mainly on the ground that if released on bail, he will fall in association with known criminals and his release will defeat the ends of justice.

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 lose 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 this application is disposed of with a direction to the Juvenile Justice Board, Muzaffarpur, to conclude the enquiry within a period of four 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 enquiry 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 enquiry, under Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2015, is not concluded by the Juvenile Justice Board, Muzaffarpur, within the aforesaid period of four months, the petitioner may renew his prayer for his release on bail before appropriate forum in accordance with law.

This application stands disposed of with the observation and direction, as above.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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