

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.841 of 2016

1. Vikash Kumar Son of Manoj Thakur Resident of Village- Balaha, Police Station- Gobindganj, District- East Champaran, represented through Manoj Thakur, father and natural Guardian of the petitioner.

..... Petitioner/s

Versus

1. The State of Bihar

..... Respondent/s

with

Criminal Revision No.812 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- EASTCHAMPARAN(MOTIHARI)

Vikash Kumar Son of Manoj Thakur Resident of Village- Balaha, Police Station- Gobindganj, District- East Champaran, represented through Manoj Thakur, father and natural Guardian of the petitioner

..... Petitioner/s

Versus

The State of Bihar

..... Respondent/s

Appearance :

(In CR. REV. No.841 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Respondent/s : Smt Indu Kumari Srivastava

(In CR. REV. No.812 of 2016)

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Respondent/s : Mr. Nityanand Tiwary

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 16-01-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

The petitioner is a juvenile. He is accused in two cases; one disclosing commission of offences punishable



under Section 307, 511, 120B, 414 of the Indian Penal Code and Sections 25(1-B)(a)/26/35 of the Arms Act, 1959, and the other for the offences punishable under Section 379 of the Indian Penal Code. His application for release on bail has been rejected by the Juvenile Justice Board, East Champaran, at Motihari, by separate orders, which have been affirmed by the Appellate Court, i.e. the Court of learned Sessions Judge, East Champaran, at Motihari. Accordingly, the order, dated 08.07.2016, passed in Criminal (Juvenile) Appeal No. 68 of 2016 and the order, dated 12.07.2016, passed in Criminal (Juvenile) Appeal No. 72 of 2016, by the learned Sessions Judge, East Champaran, at Motihari, are under challenge in the present criminal revision applications.

The petitioner is under observation since 20.02.2016/05.04.2016. It is submitted on behalf of the petitioner that till date, enquiry under Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2015, has not been completed. He has further submitted that so far as the accusation of commission of offence under the provisions of the Arms Act is concerned, two live cartridges were allegedly recovered from the possession of the petitioner.

Pursuant to the order of this Court, father of the



petitioner is personally present and he submits that he will take due care of the petitioner and ensure that the petitioner does not fall in association with criminals, if released on bail.

Learned Counsel for the petitioner has also submitted that neither the Juvenile Justice Board, East Champaran, at Motihari, nor the learned Sessions Judge, East Champaran, at Motihari, sought for any report from the Probationer Officer, under the Act, before coming to the conclusion that the petitioner shall be exposed to moral, psychological or physical danger, if released on bail.

Considering the above, these revision applications are allowed. The order, dated 08.07.2016, passed in Criminal (Juvenile) Appeal No. 68 of 2016 and the order, dated 12.07.2016, passed in Criminal (Juvenile) Appeal No. 72 of 2016, by the learned Sessions Judge, East Champaran, at Motihari, are 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,



East Champarant, at Motihari, in connection with Trial No. 900 of 2016, arising out of Harshidhi Police Station Case No. 49 of 2016 and Trial No. 922 of 2016, arising out of Harshidhi Police Station Case No. 44 of 2016. On furnishing of such affidavit and sureties, the petitioner shall be released on bail in the above two cases.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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