

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.3 of 2017

=====

Ravi Kumar @ Ravi Shankar Prasad, S/o Daya Shankar Mahto, through his guardian, namely, Rita Devi, W/o Daya Shankar Mahto, Resident of village - Dumduma, P.S. Daudpur, Distt. Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Respondent/s : Mr. Akbar Ali

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 18-04-2017 The petitioner is a juvenile and is an accused in Chapra Rail P.S. Case No. 18 of 2016 registered for the offence punishable under Section 302 of the Indian Penal Code. He is aggrieved by an order, dated 18.11.2016, passed by the Juvenile Justice Board, Chapra and order, dated 05.12.2016, passed by the learned appellate Court, i.e., 1st Additional Sessions Judge, Chapra, in Cr. Appeal (Juvenile) No. 49 of 2016, whereby his application for his release on bail has been rejected.

This application has been taken up out of turn, on a mentioning slip for urgent hearing, on the ground that the



petitioner has to appear in an examination to be held by the Union Public Service Commission, on 23.04.2017, for admission in National Defense Academy and Naval Academy.

Learned counsel for the petitioner has submitted that learned court below though has noted that the Probation Officer has found the conduct of the petitioner to be otherwise fit, but without taking that into account, he has refused to interfere with the order passed by Juvenile Justice Board, Chapra. According to him, for the said reason, the impugned order, dated 05.12.2016, is in teeth of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

I find substance in the submission made on behalf of the petitioner that there is no consideration of the report of the Probation Officer in respect of petitioner's conduct, by the courts below while considering his application for bail.

The impugned order, dated 18.11.2016, passed by the Juvenile Justice Board, Chapra as well as the order, dated 05.12.2016, passed by the 1st Additional Sessions Judge, Chapra are, accordingly, set-aside.

This criminal revision application is allowed.

Let the petitioner, above named, 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 1st Additional Sessions Judge, Chapra, in connection with Chapra Rail P.S. Case No. 18 of 2016. 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/-

U		T	
---	--	---	--

