

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.291 of 2017

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1. Raj Kumar @ Raj Kumar Sah, son of Tarkeshwar Sah, resident of Haisuwa, P.S.- Sathi, District- West Champaran through his father being natural guardian, namely, Tarkeshwar Sah

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Respondent/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 07-07-2017 Heard learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the State.

The petitioner has been declared juvenile in conflict with law. He is an accused in Sathi P.S. Case No. 107 of 2016. He had applied for his release on bail before the Juvenile Justice Board, West Champaran at Bettiah, which has been rejected by order, dated 03.11.2016. The petitioner, thereafter, preferred appeal against the order refusing his prayer for release on bail by the Juvenile Justice Board, West Champaran at Bettiah, under Section 52 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the Act), giving rise to Criminal Appeal No. 77 of 2016, which has been rejected by learned



Third Additional Sessions Judge, West Champaran at Bettiah, by order, dated 16.02.2017.

Aggrieved by the said order passed by the learned Third Additional Sessions Judge, West Champaran at Bettiah, the present criminal revision application, under Section 53 of the Act 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 be exposed to moral, physical or psychological danger and his release will, thus, 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 loose 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 Act.

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, West Champaran at Bettiah, to conclude the enquiry within a period of three months from the date of receipt/production of a copy of this order.

All concerned are directed to make best endeavour 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 Act.

If the enquiry, under Section 14 of the Act, is not concluded by the Juvenile Justice Board, West Champaran at Bettiah, within the aforesaid period of three 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)

ArunKumar/-

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