

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.727 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- NAWADA

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Sanjay Singh @ Sanjay Kumar, Son of Parshuram Singh, Resident of Village
Khakhari, P.S. Kashichak, District Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Mithlesh Prasad Singh, Advocate
For the State : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 24-08-2017

The petitioner has filed this criminal revision application under Section 102, read with Section 12 of the Juvenile Justice Act, 2016 against the order dated 08.02.2017, passed in Criminal Appeal (Juvenile) No.03 of 2017 by learned Sessions Judge, Nawada whereby upholding the order dated 08.12.2016 of the Principal Magistrate-cum-Juvenile Justice Board, Nawada refused grant bail to the petitioner.

2. Learned counsel for the petitioner submits that in the age determination enquiry, the petitioner was declared juvenile on the day of the alleged occurrence and the bail has been refused on the ground that his release is not in the interest of justice. It is further submitted that the petitioner's father had lodged police case as the wife of the petitioner was killed by some miscreants but on protest petition filed by the father-in-law of the petitioner, the police submitted charge-sheet against him and he has been in custody in this case since 12.03.2015.



3. Learned Additional Public Prosecutor appearing on behalf of the State submits that as the petitioner has killed his wife, it is not in the interest of justice to release him on bail. The petitioner was declared juvenile by the Juvenile Justice Board, Nawada and on the alleged day of occurrence as he was less than 16 years of age though the police have suspected his involvement in the alleged occurrence. However, the gravity of the offence is not the condition for refusal of the bail to a juvenile. The court below has rejected the bail on the ground that his release is not in the interest of justice but no reason is assigned as to how his release would defeat the ends of justice. The grant of bail to a juvenile is the rule and rejection an exception so the petitioner, namely, Sanjay Singh @ Sanjay Kumar is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Nawada in connection with Juvenile Trial No.594 of 2016, arising out of Kashichak P.S. Case No.40 of 2002 (G.R. No.993 of 2002)

4. This application stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2017
Transmission Date	30.08.2017

