

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.934 of 2016

=====

1. Md. Samad Son of Ahmad resident of Village- Repura Rampur,
Bishwanath P.S. Saraiya (Jaitpur O.P.), District- Muzaffarpur. through his
father and natural guardian Sri Ahmad son of Pir Mohammad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad

For the Respondent/s : Mr. Sri Umanath Mishra

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 17-01-2017

Heard learned counsel for the parties.

2. The petitioner is aggrieved by an order dated
16.07.2016 passed by the learned First Additional Sessions Judge,
Muzaffarpur, whereby he has dismissed the petitioner's appeal
preferred against an order dated 17.05.2016 passed by the Juvenile
Justice Board, Muzaffarpur refusing him to release on bail in
connection with Saraiya P.S. Case No. 29 of 2016 (G.R. Case No.
07 of 2016) registered for the offences punishable under Sections
323, 376 of the Indian Penal Code and Section 4 of the POCSO
Act.

3. Learned counsel for the petitioner has submitted
that social investigation report was sought for and the Probation
Officer in his report did not mention anything on the basis of



which it could be inferred that the petitioner might fall in association any known criminals or he would be exposed any moral, physical and psychological danger if released on bail. Despite that the Juvenile Justice Board refused the petitioner's prayer for his release on bail.

4. I find substance in the submission made on behalf of the petitioner. Learned First Additional Sessions Judge, Muzaffarpur in his order dated 16.07.2016 has not considered as to whether release of the petitioner will expose him to any moral, psychological or physical danger.

5. The order dated 16.07.2016 is accordingly, set aside. The matter is remanded back to the learned First Additional Sessions Judge, Muzaffarpur for passing an order afresh on the petitioner's Criminal Appeal No. 52 of 2016. Such order must be passed within a period of three months from the date of receipt/communication of the present order.

6. In the meanwhile, the Juvenile Justice Board, Muzaffarpur shall also be required to complete the enquiry under Section 14 of the Act, if not already completed. If the enquiry is not completed within the said period, that will be an additional ground for considering the petitioner's case for his release on bail.



7. This application is allowed with the observation as
above.

(Chakradhari Sharan Singh, J)

ArunKumar/-

U			
---	--	--	--

