

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.991 of 2017

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1. Anil Kumar @ Anil Kumar Paswan @ Anil Paswan S/o Umesh Paswan,
R/o Village- Khanzapur, P.S.- Cheria Bariarpur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Advocate

For the Respondent/s : Mr. Mushtaq Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 03-11-2017

Heard learned counsel for the parties.

2) This Revision application is directed against Judgment and order dated 24.04. 2017, passed by learned Sessions Judge, Samastipur in Cr. Appeal No. 20/2017 whereby affirming the order dated 06.03.2017 passed by Juvenile Justice Board, Samastipur in Juvenile Enquiry No. 1367/2016 arising out of Bibhutipur P. S. Case No. 225 of 2016 instituted for the offences punishable under Sections 363 and 364A of the Indian Penal Code, whereby the bail application of the petitioner was refused.

3) The allegation against the petitioner is of kidnapping the son of the informant, aged about ten years and making demand of ransom from Mobile Number 8151957018.



4) Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and only holder of SIM number 8151957018 is mentioned. Learned counsel for the petitioner further submits that there is no allegation against the petitioner and his name only transpired on the confessional statement of a co-accused, Mantosh Kumar, who was using the SIM mentioned in the F.I.R. which stands in the name of his father. Besides that there is no incriminating material against the petitioner.

5) Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and the learned Sessions Judge has refused assigning reason that in case of release on bail may go under the association of known criminals group but that finding is without any substance, as there is no material on record to show such criminal antecedent.

6) Further submissions after age determination inquiry, the petitioner is declared juvenile considering his Matriculation Certificate, he is only fifteen years, one month and fifteen days old.

7) Learned counsel appearing on behalf of the state submits that the petitioner is an accused in heinous offence.

8) Considering the valuable submissions and on perusal of



record, it is apparent that the petitioner is a juvenile, as his age is assessed as fifteen years. It is also evident from the impugned order as well as submissions made by the learned counsel for the petitioner that he has no criminal antecedent and his case of grant of bail ought to have been considered by the board in preview of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 irrespective of the nature of the offence, bailable or non-bailable a juvenile in conflict with law is required to be released on bail except on three conditions enumerated in the proviso of the said Section which is as follows:- i) if on release he is likely to go in association of known criminals ii) he would be exposed to moral, physical and psychological danger and iii) if it is not in the interest of justice.

9) Considering the fact that there is no any material on record to show that the petitioner bears any criminal antecedent or any criminal case lodged against him prior to the case was lodged against him so, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000 (Rupees Tend thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Samastipur in Bibhutipur P.S. Case No. 225 of 2016, one of the bailors shall be his father, who will swear an affidavit, to keep the petitioner in his proper



care and supervision.

Accordingly, the application stand allowed.

(Arun Kumar, J)

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