

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.649 of 2017

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1. Golu Kumar @ Trishant, Minor, Son of Dhananjay Singh, R/o Village- Bibipur, P.S.- Rafiganj, District- Aurangabad (Bihar), Under Gurdianship of their Grandfather namely Mandeep Singh, aged about 75 Year, S/o Late Matukadahri Singh, R/o Village- Bibipur, P.S.- Rafiganj, District- Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh

For the Respondent/s : Mr. Sri Braj Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 25-07-2017 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 Mahila P.S. Case No. 28 of 2016. He had applied for his release on bail before the Juvenile Justice Board, Aurangabad, which has been rejected by order, dated 24.04.2017. The petitioner, thereafter, preferred appeal against the order refusing his prayer for release on bail by the Juvenile Justice Board, Aurangabad, 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. 32 of 2017, which has been



rejected by learned First Additional Sessions Judge-cum-Special Judge, POCSO Act, Aurangabad, by order, dated 18.05.2017.

Against the said order passed by the learned First Additional Sessions Judge-cum-Special Judge, POCSO Act, Aurangabad, the present criminal revision application under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2015, 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 order, 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, Aurangabad to conclude the enquiry within a period of four 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 Juvenile Justice Act, 2015.

If the enquiry, under Section 14 of the Juvenile Justice Act, 2015 is not concluded within the aforesaid period of four 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)

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