

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.13 of 2017

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1. Gohal Yadav @ Amlesh Yadav Son of Awadesh Yadav resident of Awas Board, Barkhandi, tola, P.S.-Muffasil District-Khagaria

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Meeta Sinha

For the Respondent/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 06-07-2017 Heard learned Counsel for the petitioner and the learned Additional Public Prosecutor representing the State.

The petitioner has been declared to be a juvenile as on the date of the occurrence, i.e., 05.09.2005. He has surrendered in the Court below on 23.07.2015. His application for release on bail has been rejected by the Juvenile Justice Board, Khagaria, by order, dated 14.07.2016, which has subsequently been affirmed by learned Sessions Judge, Khagaria, by judgment and order, dated 27.08.2016, passed in Criminal Appeal No. 44 of 2016. The petitioner is aggrieved by the order refusing bail.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that the petitioner has already remained in custody for nearly two years. Pursuant to an order, dated 24.03.2017, the Juvenile Justice Board, Khagaria has submitted a report from which it appears that



no witness has been examined in the enquiry before the Board contemplated under Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Learned Senior Counsel in that background has submitted that the statutory requirement of completion of enquiry under Section 14 of the Act of four months has not been adhered to. He has also submitted that no tangible purpose would be served if the petitioner is allowed to remain in custody, occurrence having taken place nearly a decade ago. I find substance in the submission made on behalf of the petitioner.

Considering the above, this revision application is allowed. The order, dated 27.08.2016, passed by the learned Sessions Judge, Khagaria, is set aside.

Let the petitioner be released on bail on furnishing an affidavit by his father to the effect that he will look after the interest of the petitioner and will not allow him to fall in bad company. In addition to the affidavit, the father of the petitioner will also be required to furnish personal bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Khagaria, in connection with Chitragupt Nagar P.S. Case No. 453 of 2005. On furnishing of such affidavit and sureties, the petitioner shall be released on bail.

(Chakradhari Sharan Singh, J)

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