

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.525 of 2017

=====

1. Sarfaraj@ Saiyd Serferaj Alam Son of Md. Alamgir @ Guddan @ Saiyd Alamgir, Resident of Village- Purani Kaji Muhalla, P.S. Town Aurangabad (Bihar) under Guardianship of his father.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari

For the Respondent/s : Mr. Lakshmi Kant Sharma

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

3 06-07-2017 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State of Bihar.

The petitioner has been declared juvenile in conflict with law. He is an accused in Aurangabad Police Station Case No. 159 of 2016. He had applied for his release on bail before the Juvenile Justice Board, Aurangabad, which has been rejected by order, dated 08.02.2017. 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, giving rise to Criminal Appeal No. 14 of 2017,



which has been rejected by learned Sessions Judge, Aurangabad, by order, dated 30.03.2017.

Aggrieved by the said order passed by the learned Sessions Judge, 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 basis of the report of the Probation Officer, wherein it is mentioned that the petitioner used to spent most of his time outside his house and if released on bail, he will fall in association with arrogant criminal friends 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 Juvenile Justice (Care and



Protection of Children) Act, 2015.

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 orders, 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 three months from the date of receipt/production of a copy of this order.

All concerned are directed to make best endeavor 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 (Care and Protection of Children) Act, 2015.

If the enquiry, under Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2015, is not concluded by the Juvenile Justice Board, Aurangabad, within the aforesaid period of three 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.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

