

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.320 of 2017

=====

1. Shish Kumar @ Shish Kumar Gupta, under the guardianship of his father Harishchandra Sah @ Harishchand Gupta, resident of Ward No.2 Bishunpurwa, P.S.-Sugauli, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Paras Pandit, S/o Ram Dayal Pandit, R/o Village Bishunpurwa, P.S.-Sugauli, District-East Champran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma
Mr. Arun Kumar Sinha
For the State : Dr. Indihar Kumari

=====

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

4 15-05-2017 Learned Counsel for the petitioner is permitted to make necessary correction in the cause title of this application and the vakalatnama.

Heard learned Counsel for the petitioner and learned Additional Public Prosecutor representing the State.

The petitioner is, indisputably, a juvenile. He has been made accused in Sugauli Police Station Case No. 125 of 2016, registered for the offences punishable under Sections 363/365/366A/376/34 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offence Act, 2012. He was apprehended on 06.06.2016 and is in observation home since then.



The petitioner's application for release on bail has been rejected by the Juvenile Justice Board, East Champaran, at Motihari, and subsequently affirmed, in appeal, by order, dated 18.02.2017, passed by learned Additional Sessions Judge I, East Champaran, at Motihari, in Criminal Appeal No. 02 of 2017.

Learned Counsel for the petitioner, in my view, is right in his submission that the learned Court below has not referred any basis for reaching the conclusion that the petitioner's release will expose him to moral, physical and psychological danger and that his release will defeat the ends of justice.

Learned Counsel for the petitioner has submitted that father of the petitioner is capable of looking after the petitioner and can ensure that he does not fall in association of bad elements in the society.

Considering the facts and circumstances, this revision application is allowed. The order, dated 18.02.2017, passed by the learned Additional Sessions Judge I, East Champaran, at Motihari, 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/- with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, East Champaran, at Motihari, in connection with Trial No. 989 of 2016, arising out of Sugauli Police Station Case No. 125 of 2016. On furnishing of such affidavit and sureties, the petitioner shall be released on bail.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

