

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.772 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SARAN

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Rahul Kumar Choudhary @ Rahul Kumar S/o Mahadev Choudhary, Through his
Guardian namely-Manju Devi, W/o Mahadev Choudhary, Both R/o Village-
Chhota Telpa, P.S.- Chapra Town, District- Saran at Chapra

.... Petitioner

Versus

The State of Bihar

.... Respondent

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Appearance :

For the Petitioner : Mr. Chandra Mohan Jha, Advocate

For the State : Mr. Sanjay Kumar Tiwary 1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 12-10-2017

Heard learned counsel for the parties.

2. The petitioner has filed this revision application against order dated 24.06.2017, passed by learned A.D.J.-1st, Saran at Chapra in Criminal Appeal (Juvenile) No.41 of 2017 whereby he has upheld the rejection of bail order dated 09.06.2017 of the petitioner passed by Juvenile Justice Board, Chapra.

3. Learned counsel for the petitioner assails both impugned orders on the ground that despite the petitioner being declared juvenile by Juvenile Justice Board, Chapra, he was not released on bail whereas the fact remains that his wife committed suicide and the petitioner is not involved.

4. Having considered rival submissions and on perusal of the records, the Court finds that the allegation is that he killed his wife for demand of dowry and extract of the post-mortem report mentioned in the case diary shows that his wife died as a result of strangulation, which



is always homicidal not suicidal. Though the seriousness or gravity of the offence is not a ground for rejection of the bail of a juvenile under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 but the social investigation report, as reflected from the impugned judgment, shows that petitioner’s conduct is not good and he is undisciplined and not in control of his father. The age of the petitioner is assessed as 17 years and one month by Juvenile Justice Board, Chapra merely on perusal of the matriculation provisional certificate. However, the order dated 22.04.2017 does not indicate that during enquiry for age determination genuineness of the certificate, on basis of which the petitioner was declared juvenile, was made by Juvenile Justice Board, Chapra, so the Juvenile Justice Board, Chapra is also directed to make a fresh enquiry, if the same has not been enquired from the concerned Board awarding certificate regarding genuineness of the same. The petitioner may renew his prayer for bail after finding the document genuine before the Juvenile Justice Board, Chapra after aforesaid enquiry.

5. The criminal revision application stands dismissed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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