

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.969 of 2016

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

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Munna Miyan

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Adya Singh

Mr. Arjun Prasad No. 1

For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER

ORAL

Date: 17-01-2017

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

2. The petitioner's application for his release on bail was rejected by order, dated 25.07.2016, passed, by the Juvenile Justice Board, Nawada, in POCSO Case No. 32 of 2015, disclosing commission of offence punishable under Section 4 of the Protection of Children from Sexual Offence Act, 2012, and Section 3 (i) (iii) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act.

3. The appeal preferred by the petitioner against the said order, being Criminal Appeal (Juvenile) No. 35 of 2016, also came to be dismissed by an order, dated



06.09.2016, passed by the learned Additional Sessions Judge I, Nawada.

4. In the present criminal revision application, the petitioner is aggrieved by the aforesaid two orders.

5. The petitioner is said to be under observation since 05.02.2016. It seems that enquiry, as contemplated under Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2000, has so far not been completed.

6. Learned Counsel for the petitioner has submitted that learned Additional Sessions Judge I, nawada, without coming to a conclusion that the petitioner's release on bail will expose him to moral, psychological or physical danger or if released on bail, he may fall in association with the known criminals, has rejected his appeal.

6. I find substance in the aforesaid submission. this aspect has not been taken into consideration by the learned Additional Sessions Judge I, Nawada, in his impugned order, dated 26.09.2016.

7. The order, dated 26.09.2016, is accordingly set aside. The matter is remitted to the Court of learned Additional Sessions Judge I, Nawada, for passing an order afresh after taking into account the proviso to sub-Section (1) of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000. Such order must be passed within a period of three



months from today.

8. It is further directed that if the enquiry, as contemplated under Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2000, has not been completed so far by the Juvenile Justice Board, Nawada, the Juvenile Justice Board, Nawada shall ensure that the enquiry is completed within a period of three months from the date of communication of the present order.

9. If, despite the present order, the enquiry is not completed with the aforesaid period of three months, the non-completion of the enquiry will be an additional ground for the petitioner to seek his release on bail.

10. This application is allowed with the observations and directions, as above.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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