

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 497 of 2017

Rohit Kumar Prasad, S/o. Kishun Kumar Prasad, Aged About 14 Years,
Through Natural Guardian Father Kishun Kumar Prasad, R/o. Ratanchak,
Police Station Mirganj, District Gopalganj, Bihar, At Present House Of
Rajaram, Rajendra Nagar, Police Station Urla, Raipur, Tahsil & District
Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The District Magistrate Raipur,
Chhattisgarh

---- Respondent

For Applicant : Mr. Keshav Prasad Gupta, Advocate

For Respondent : Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.08.2017

Heard

1. The instant revision petition is against the order dated 27.02.2017 passed by the Juvenile Court/Additional Sessions Judge, F.T.C, Raipur in Criminal Appeal No.49/2017; whereby, the order rejecting bail dated 19.01.2017 passed by the Juvenile Justice Board has been affirmed.
2. The brief facts of this case are that on 16.09.2016 during the Ganesh festival, one Satish Nishad complained to one Anil Nishad that the present applicant has snatched his Mobile, therefore, he may be persuaded to return the same. Hearing the same, the persons namely Anil Nishad, Lokesh Verma, Satish Nishad, Rajesh Sahu & Ajay Sahu went to the house of the present applicant and Anil Nishad asked the present applicant to return the Mobile. As a counter thereto, the applicant took out a Knife and assaulted Anil on his abdomen and when he was trying to make a

second assault, the others intervened and got injuries. Thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant is already in custody since 16.09.2016 and he is 14 years old Boy and the person who is killed is history sheeter criminal and the family members of the applicant are dependent on him, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the social investigation report and the case diary. The social investigation report suggests that where the present applicant is presently residing, the environment is not congenial to a minor children. The social investigation report also suggests that the mother of the applicant has died and father of the applicant stays at Gopalganj, Bihar and the applicant stays alongwith his brother. The report also shows that the other family members received the amount which is earned by the present applicant. The report suggests that it being an industrial area wherein the applicant resides, every time abuse, quarrel & theft are very common and the social atmosphere is not at all good. The condition of the applicant can be developed by attaching him to the social activities and giving him proper education. Taking into the social investigation report, *prima facie*, it reveals that if the applicant is released then there are every chances that it will bring him into association with any known criminal and expose him to moral, physical or psychological danger, as no parental supports is provided to the applicant and the circumstances suggests that it will defeat the ends of justice. Considering the same, I am not inclined to allow this petition, as release of the applicant rather

damage his future and push him into the same atmosphere where-
from he has been rescued for the time being by default of crime.

6. In view of the above, I do not find any reason to interfere with the orders of the Court below. Accordingly, the revision petition is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Ashok