

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.17 of 2018

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1. Sahid Ahmad @ Shohid Ahmad, Son of Firoz Ahmad @ Sheikh Firoz Ahmad, resident of Village- Bhagra, P.S. Siwan (Muffasil), District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar

For the Respondent/s : Mr. Yogendra Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 06-02-2018

Heard the counsel for the petitioner.

The juvenile/petitioner has approached this Court through his mother for being released from the remand home in connection with Saran Muffasil (Dhanauti) P.S. Case No. 373/2017 instituted for the offences under Sections 272, 273, 308 and 420 of the Indian Penal Code as well as Sections 30 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The petitioner/juvenile was found to be driving a tempo from where approximately, 81.09 litres of liquor was recovered in violation of the law in that regard.

As stated earlier, the juvenile/petitioner is in remand home since 05.08.2017. He has been declared a juvenile by order dated 06.09.2017 and his age at the time of the occurrence was



assessed as 16 years and 11 months.

It further appears from the records, that the social investigation report has revealed that the juvenile has a mature mind and there is every danger of his falling in the same wrong path as before, if he is released from the remand home.

Learned counsel for the petitioner, on the other hand, has submitted that such an assessment of the probation officer can only on the basis of the fact that the petitioner was found to be driving a tempo, but what the social investigation report does not advert to is that only because of the desire of the petitioner to earn livelihood and help the family monetarily that he had taken up the job of driving tempo. It has further been submitted that some travellers/customers had kept the liquor in his tempo about which he had no knowledge.

Regard being had to the aforesaid facts and also undertaking of the mother that she shall take care of her son, the petitioner/juvenile is directed to be released from the remand home, subject to his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Siwan in connection with Siwan Muffasil (Dhanauti) P.S. Case No. 373 of 2017, subject to the condition that one of the bailors shall be his mother



who would file an undertaking along with the bonds that she shall keep the juvenile under proper care and supervision and in case of her son not responding to her advise and falling in the bad company, she shall immediately report the matter to the Officer In-charge of the concerned police station.

The revision application is allowed.

(Ashutosh Kumar, J.)

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