

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.80 of 2018

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Rausan Kumar S/o Late Mukeshwar Sahni, R/o Village- Kataia, P.S.-
Bisphi (Patauna O.P.) and District- Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha

For the Respondent/s : Mr. Sri Asharaf Ansari

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 15-02-2018

At the time of hearing of this case, Vakalatnama

of the mother of the petitioner has been filed on behalf of the
petitioner. Let it be kept on record.

The petitioner, who is a juvenile, has
approached this Court for his release from remand home where he
has been lodged in connection with Bhairabasthan P.S. Case No.
69 of 2017 dated 25.07.2017, instituted for the offences under
Sections 399, 402, 412, 413, 414 of the Indian Penal Code and
Section 28 of the Arms Act.

The age of the petitioner/juvenile was assessed
by the Juvenile Justice Board as less than sixteen years on the date
of occurrence. The name of the petitioner transpired during the
course of investigation of this case through the mouth of one of
the co-accused persons and hence, he was taken into custody on



25.07.2017. However, after the petitioner was declared a juvenile, he was shifted to the remand home on 01.09.2017. Both the Courts below i.e. Juvenile Justice Board as well as the learned District & Sessions Judge have refused to release the petitioner from the remand home on the ground that there is a possibility of his falling in bad company, if he is let out from the remand home.

Learned counsel for the petitioner/juvenile has submitted that there is nothing in the Social Investigation Report which would reveal that in case the petitioner is released from the remand home, he is likely to get into the association of known criminals and that his release would expose him to moral, physical and psychological danger which would not be good for his well being. The mother of the petitioner is ready to undertake that she shall provide good support system to her son and is also agreeable to the proposal that if the petitioner refuses or disobeys to her advice, she shall report the matter immediately to the Officer-in-charge of the concerned Police Station.

Considering the nature of accusation and the aforesaid facts the order dated 15.09.2017 passed by the Juvenile Justice Board, Madhubani in G.R. Case No. 1126 of 2017, arising out of Bhairabasthan P.S. Case No. 69 of 2017, rejecting the prayer of the petitioner/juvenile for being released from juvenile



home as well as the order dated 01.12.2017 passed by the learned District & Sessions Judge, Madhubani in Cr. Appeal No. 65 of 2017, affirming the aforesaid order, are set aside.

The petitioner/juvenile, above named, is directed to be released on 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 learned Juvenile Justice Board, Madhubani in connection with G.R. No. 1126 of 2017, En. No. 915 of 2017, arising out of Bhairabasthan P.S. Case No. 69 of 2017.

One of the bailors shall be the mother of the petitioner, who at the time of filing of his bonds shall furnish an undertaking that she shall take good care of her son and shall report about any disobedience of her son to the Officer-in-charge of the concerned Police Station.

The present revision petition is accordingly allowed.

(Ashutosh Kumar, J)

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