

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.174 of 2018

=====

Vicky Kumar @ Vicky Paswan @ Mithun @ Mithun Paswan,
S/o Ram Mural Paswan, R/o Village- Bhawan, P.S.-
Sakaldiha, District- Chandauli (Uttar Pradesh), at present
Village- Mohania, Ward No. 12, P.S.- Mohania, District-
Kaimur, under guardianship of his maternal uncle Bhanu
Kumar Paswan, S/o Bhola Paswan, R/o Village & P.S.-
Mohania, District- Kaimur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Adv.

For the State : Mr. Anand Kishore Choudhary, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 12-03-2018 The juvenile/petitioner was adjudged to be of
15 years, 1 month and 17 days on the date of the
occurrence.

The brother of the informant was found dead
on the road and for which a case *vide* Mohania P.S. Case
No. 413 of 2016, dated 30.08.2016, was instituted for the
offences punishable under Sections 302/34 and 120(B) of
the Indian Penal Code and Section 27 of the Arms Act.



The First Information Report reveals that the petitioner and another were seen moving with the deceased during day time. Only later in the day, the informant was told that the dead-body of his brother is lying on the road. In the First Information Report, the informant has stated that sometimes prior to the occurrence with respect to some minor accident, the deceased had fought with four other persons, viz., Pankaj, Babloo, Tunna Kushwaha and Pradeep Kushwaha, who had come to the house of the informant and had threatened to kill the deceased.

Mr. Vikram Deo Singh, learned Advocate for the petitioner, has pointed out that neither the Probation Officer's report nor the investigation reveal any connection between the aforesaid four named persons, who had threatened the deceased of dire consequences, and the petitioner. Merely because the petitioner was seen moving along with another person with the deceased, that ought not to be the ground for suspecting his complicity in the crime. So far regards the merits of the case.

What has been argued on behalf of the petitioner for assailing the orders passed by the Juvenile Justice Board, Kaimur at Bhabhua and the learned Lower Appellate Court in not releasing the petitioner from the



remand home where he has been lodged since 17.09.2016, is that there was no material for both the Courts to have decided that in case of release of the petitioner/juvenile from the remand home, there was every likelihood of his falling in bad company or his being exposed to other criminal ways of life.

In the absence of any cogent material to suggest any connection between the named accused persons, who had threatened the deceased and the petitioner, such perception of both the Courts and the Probation Officer was without any basis.

Regard being had to the aforesaid facts and the period for which the juvenile/petitioner has been in the remand home, this Court feels inclined to release him from the remand home.

The juvenile/petitioner has approached this Court through his maternal uncle/Bhanu Kumar Paswan.

The petitioner/juvenile, above named, is directed to be released from the remand home on his furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 413 of 2016.



One of the bailors shall be the maternal uncle of the of the juvenile/petitioner, who, at the time of filing of the bonds, shall give an undertaking that he will take good care of the petitioner and in case the petitioner avoids paying heed to his advice, he would report the matter forthwith to the Officer-In-Charge of the concerned police station.

This revision petition is thus allowed.

(Ashutosh Kumar, J)

Praveen-II/-

U		T	
---	--	---	--

