

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.78 of 2018

Arising Out of PS. Case No.-355 Year-2016 Thana- LAHERIMUHALLA District- Nalanda

Rohit Kumar @ Rohit Kumar Sharma, S/o Prabhu Chand Thakur, Resident of Nauatoli Bharaupar, P.S.- Laheri, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anang Mohan Sinha

For the Respondent/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 22-03-2018 Heard the learned counsels for the petitioner, informant and the State.

The petitioner/juvenile has been made accused in Laheri P.S. Case No. 355 of 2016 instituted for the offences under Sections 302/34 of the Indian Penal Code.

The age of the petitioner/juvenile was assessed at 15 years, 1 month and 6 days on the date of the occurrence. However the Juvenile Justice Board, Nalanda, did not deem it expedient to release him from the remand home on the ground that he is an accused



in a case of murder. Similar ground has been taken by the learned appellate court viz. the learned 1st Additional Sessions Judge-cum-Special Judge, Nalanda in Juvenile Appeal No. 18 of 2017 in upholding the order of the Juvenile Justice Board, Nalanda and rejecting the prayer of the petitioner/juvenile. Though from the appellate order, it appears that the court below came to the conclusion that there is reasonable apprehension of the petitioner being exposed to moral, physical or psychological danger in case of his release which would amount to defeating the ends of justice but there is no material on which such a presumption has been drawn. The report of the Probation Officer merely indicates that the petitioner/juvenile would require extensive counseling and ethical education and training which is only possible in remand home and not in open society.

From the records, it appears that there was family property dispute in which one of the persons/a lady,



who was alleged to have been dashed to the ground, died after receiving head injury. Nothing specific has been alleged against the petitioner and only because of his being a member of the family of the accused persons, he too has been made accused in this case.

The report of the Probation Officer though indicates that counseling is required but from that report, it could not have been inferred that the release of the petitioner/juvenile would subject him to criminal ways of life which would not be good for him. The petitioner has approached this Court through his father viz. Prabhu Chand Thakur @ Prabhu Chand Sharma who is ready to give an undertaking before the Juvenile Justice Board, Nalanda that he shall take good care of his child, if released from the remand home.

It further appears from the submissions made on behalf of the parties that the juvenile/petitioner was released from the remand home for enabling him to appear in the Matriculation examination. Though, he



surrendered before the Juvenile Justice Board, Nalanda about a month later but ever since 16.03.2018, he is in the remand home.

Regard being had to the aforesaid facts, this Court is of the view that it would be in the interest of juvenile/petitioner that he be released from the remand home.

Let the petitioner/juvenile above named be released from the remand home on his furnishing bonds 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, Nalanda in J.J. Board No. 316 of 2017, arising out of Laheri P.S. Case No. 355 of 2016.

One of the bailors shall be his father, who at the time of filing his bail bonds, shall furnish an undertaking in clear and categorical terms that he shall take good care of his child and in case he finds that the juvenile/petitioner is not responding to his advice, he



shall report the matter forthwith to the officer-in-charge
of the concerned police station.

With the aforesaid direction, this revision petition
is disposed of.

(Ashutosh Kumar, J)

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