

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.63 of 2018

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Danish Sidhiki @ Siddique @ Danish Mandal S/o Safiullah
Sidhiki, R/o Village- Markan, P.S.- Hussainganj, District-
Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Respondent/s : Mr. Sri Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 30-03-2018 The petitioner, who is a juvenile has approached this Court for his release from remand home where he has been lodged in connection with Hussainganj P.S. Case No. 105 of 2002 dated 17.05.2002, instituted for the offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation in the F.I.R is that the petitioner, on the instigation of his father, fired at the father of the informant, leading to his death. The cause of occurrence has been stated to be the act of the deceased between the father of the petitioner/juvenile and his cousin viz. Arshad who were fighting with each other.

From the records, it appears that the juvenile/petitioner was declared absconder, who was arrested only on 30.03.2017. The Juvenile Justice Board declared him to be of 13 years of age on the date of occurrence by order



dated 06.09.2017. Thereafter, the petitioner/juvenile has remained in the remand home uptil now.

Mr. Raghav Prasad, learned counsel for the petitioner has submitted that because of the family disputes, the petitioner has been named as an assailant of the deceased. Though, the informant of this case has claimed himself to be the eye witness to the occurrence but from the very narration in the F.I.R, it appears that he was only informed about the occurrence by somebody else. The conduct of the informant, who is the son of the deceased, also appears to be rather queer as he ran away from the place of occurrence. Such an allegation was levelled against the petitioner when he was only 13 years of age.

It has further been submitted that petitioner/juvenile was not even aware of this case having been lodged against him and precisely for this reason, he had not appeared before the Investigating Agency or before the Court.

The Social Investigation Report which incorporates negative comments about the petitioner/juvenile also does not appear to have been prepared properly.

It has been submitted on behalf of the petitioner that if the petitioner was absconding for about fifteen years, how could the Social Investigation Report refer to his being an aggressive and volatile person having a tendency to adopt wrong and illegal ways in life. The records do not reveal that



the Social Investigation Report was prepared properly.

Regard being had to the fact that the petitioner/juvenile was 13 years of age at the time of the occurrence and that the Social Investigation Report does not disclose anything which would indicate that the release of the petitioner from the remand home would not be conducive for him in future, this Court is inclined to direct for the petitioner from the remand home.

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, Siwan in connection with J. Tr. No. 136 of 2017, arising out of Hussainganj P.S. Case No. 105 of 2002.

One of the bailors shall be the mother of the petitioner, who at the time of filing of her 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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