

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.297 of 2018

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Aniket Kumar @ Kishore Ankit Kumar S/o Kunj Bihari Sharma @ Baljeet Singh, R/o Village- Jimpura, Bihta, P.S.- Bihta, District- Patna. Under the Guardianship of his father Kunj Bihari Sharma of Village- Jimpura, Bihta, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh
For the Respondent/s : Mr. Sri Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 02-05-2018 The petitioner/juvenile seeks his release from the remand home where he has been lodged since 22.11.2017 in connection with Bihta P.S. Case No. 958 of 2017 instituted for the offences under Sections 341, 323, 324, 307, 354, 504, 34 of the Indian Penal Code.

On the date of the occurrence, the age of the juvenile/petitioner was assessed by the Juvenile Justice Board as more than 16 years but less than 18 years.

It has been submitted on behalf of the petitioner that the learned Court below has wrongly rejected the prayer made on behalf of the petitioner for being released from the remand home as Section 307 I.P.C is not attracted. So far as Section 354 I.P.C is concerned, the maximum sentence



provided for the aforesaid offence is five years. In any view of the matter, the offences alleged against the juvenile/petitioner would not come within the category of heinous offences as defined under Section 2(33) of the Juvenile Justice (Care & Protection of Children) Act, 2015.

That apart, the learned counsel for the petitioner has also submitted that the case of the petitioner has not been considered in the correct prospective. No consideration has been made over the fact that release of the juvenile/petitioner from the remand home would be fraught with dangers so far as the juvenile/petitioner's company in future is concerned.

It has further been submitted that the allegation against him is of passing lewd remarks on the daughter of the informant and his having inflicted knife blows on the person of the victim. The injury report, which has been annexed with the petition, reveals that the injury suffered by the victim was simple in nature and that also having been caused by hard and blunt substance.

The learned counsel for the petitioner has submitted that the injury was the result of the victim girl having fallen on the ground because of her having met with an accident.

Considering the aforesaid facts as also taking into account that the juvenile/petitioner is in remand home since



22.11.2017, the juvenile/petitioner, 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 1st Additional Sessions Judge, Patna in connection with Bihta P.S. Case No. 958 of 2017, Special Case (Child) No. 10 of 2018.

One of the bailors shall be the father of the petitioner, who at the time of filing of his bonds shall furnish an undertaking that he shall take good care of his son and in case the petitioner/juvenile disobeys the homily of his father, he shall immediately report the matter to the Officer-in-charge of the concerned Police Station.

The present revision petition is accordingly allowed.

(Ashutosh Kumar, J)

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