

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.626 of 2018

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Mithun Choudhary @ Mritunjay Kumar S/o Ragho Choudhary, R/o Vill.- Jakhim, P.S.- Rafiganj, District-Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 13-07-2018 The petitioner has approached this Court for his release from remand home where he has been lodged in connection with Rafiganj P.S. Case No. 109 of 2017 dated 07.07.2017 instituted for the offences under Sections 341, 323, 324, 307, 302, 34 of the Indian Penal Code.

The petitioner was declared a juvenile by order dated 23.02.2018 passed by the Juvenile Justice Board, Aurangabad and his age was assessed to be less than sixteen years on the day of the occurrence.

The learned counsel for the petitioner has submitted that one Krishna Choudhary and Ragho Choudhary fought for possession over some palm trees. The petitioner and others are alleged to have assaulted the father of the informant by means of *lathi*, *danda* and *garasa etc*, leading to injuries on



his person, who later died while being taken to the hospital. It has further been submitted that there is general and omnibus allegation against all the accused persons including the juvenile/petitioner and all the other similarly situated accused persons have been granted bail by different Courts.

The order passed by the Juvenile Justice Board as also the Appellate Court dated 16.05.2018 do not disclose about the existence of any social investigation report or for that matter any adverse report by the Probation Officer that the release of the petitioner from the remand home will make him go in the company of veteran criminals which will not be beneficial to him.

Regard being had to the nature of accusation and the period in which he has remained in the remand home, this Court is of the view that he ought to be released 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, Aurangabad in connection with J.J.B. Case No. 659/2017, G.R. No. 1289/2017, arising out of Rafiganj P.S. Case No. 109 of 2017.

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 shall report about any disobedience of his son to the Officer-in-charge of the concerned Police Station immediately.

The present revision petition is accordingly allowed.

(Ashutosh Kumar, J)

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