

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.42 of 2018

Arising Out of PS. Case No.-116 Year-2017 Thana- KOPA District- Saran

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1. Afzal Ansari @ Afzal Ali Ansari, S/o Abadul Ansari @ Abadul Haq Ansari,
 2. Faiz Ansari @ Faiz Ali, S/o Mumtaz Ansari @ Md. Mumtaz Ansari, Both R/o Village- Kopa, P.S.- Kopa, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Mr. DR. RABINDRA KUMAR

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 15-03-2018 Heard Mr. Uday Bhanu Ray, learned advocate for

the juvenile-petitioners.

The age of the petitioners was assessed to be more than 16 years but less than 18 years on the date of the occurrence by the Juvenile Justice Board, Chapra. Both the aforesaid petitioners have been made accused in connection with Kopa P.S. Case No. 116 of 2017 dated 07.09.2017 instituted for the offences under Sections 363 and 354B/34 of the Indian Penal Code and under Section 8 of the POCSO Act.

The petitioners are said to have made attempt at taking away Kajal, the informant of this case to some



unknown destination. For the aforesaid purpose, they covered her face with her Dupatta and were making attempts to take her on a motorcycle which was being used by them. On halla raised by the aforesaid Kajal, the petitioners were nabbed by the villagers.

Mr. Uday Bhanu Ray, learned advocate appearing for the petitioners has submitted that the assessment of the petitioners is not required to be done under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 as the offences charged against them are Sections 354B and 363 of the Indian Penal Code. Under Section 363 of the IPC the maximum sentence is extendable to a period of seven years whereas the maximum sentence under Section 354B is five years.

Learned counsel for the petitioner has submitted that both the courts below viz. Juvenile Justice Board, Chapra and the learned Appellate Court have not taken into account the fact that the informant/victim was



having some kind of affair with one of the petitioners and that an attempt was made to get them booked because the other members of the family of the informant were not happy with this kind of an association. That apart, the social investigation report only indicates that the petitioners are in bad company. There is nothing on record to suggest that if they are released from the remand home, to the custody of their respective fathers, there would be a chance of their been exposed to further criminal ways of life and their getting in the company of hardened/veteran criminals.

The respective fathers of the two petitioners have also agreed for taking good care of their sons.

Regard being had to the fact that the juvenile-petitioners have been in the remand home since 28.09.2017 and their respective fathers are willing to take good care of them in future, this Court feels inclined to release them from the remand home.



Let the juvenile-petitioners above named be released from the remand home on their 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, Chapra in connection with Kopa P.S. Case No. 116 of 2017.

The respective fathers of the juvenile-petitioners shall be one of the bailors. At the time of filing of their bail bonds, they shall also furnish an undertaking in clear and categorical terms that they shall take good care of their child and in case the petitioners do not accede to their advice, they shall promptly report the matter 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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