

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1210 of 2017

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Nand Kumar @ Nandu Kumar S/o Sardar Paswan @ Sardar Ram resident
of Village - Baruapul, P.S. - Barun, District - Aurangabad under
Guardianship of his father Sardar Paswan @ Sardar Ram S/o Late Maharaj
Ram, resident of Village - Baruapul, P.S. - Barun, District - Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Respondent/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 09-02-2018

The petitioner, who is a juvenile has approached

this Court through his father for his release from the remand home
where he has been lodged from 05.04.2017 in connection with
Barun P.S. Case No. 48 of 2017 dated 15.03.2017, instituted for
the offences under Sections 147, 148, 149, 341, 323, 324, 307,
302, 120B of the Indian Penal Code.

The occurrence is said to have taken place
during the game of cricket in which fourteen accused persons were
named. There is no specific allegation of assault against the
petitioner. The petitioner was declared a juvenile vide order dated
27.04.2017 on the basis of his date of birth shown in his
matriculation certificate. As such, the case of the
petitioner/juvenile was separated from the case of the others. The



petitioner was first taken into custody on 05.04.2017 and thereafter on being declared a juvenile, he was sent to remand home. From the order of the learned Appellate Court, it appears that there was no probation report on record, still the Appellate Court has observed that he has reasons to believe that release of the appellant would pave way for his association with the known criminals.

Mr. Krishna Prasad Singh, learned senior counsel for the petitioner has submitted that there is no basis for the Appellate Court to have come to such a conclusion.

This Court does not find anything from the records to suggest that if the petitioner/juvenile is released from the remand home, he shall fall in bad company which would not be good for him. The father of the petitioner/juvenile is ready to give an undertaking that he shall take good care of his son, once he is released from the juvenile home.

Regard being had to the aforesaid facts, the order dated 10.08.2017 passed by the Juvenile Justice Board, Aurangabad as well as the order dated 12.10.2017 passed by the learned 1st Additional Sessions Judge, Aurangabad in Cr. Appeal No. 56/2017/60/2017, arising out of Barun P.S. Case No. 48 of 2017, whereby the prayer for being released from the remand



home has been rejected, are set aside.

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 learned Presiding Officer, Juvenile Justice Board, Aurangabad in connection with G.R. No. 617 of 2017/JJB No. 792 of 2017, arising out of Barun P.S. Case No. 48 of 2017.

One of the bailors shall be father of the petitioner who at the time of filing his bonds will give an undertaking that he shall take care of his son and prevent him from falling in bad company. In case the petitioner/juvenile does not accede or pay heed to the advice of his father, the father would be under an obligation to report the matter forthwith to the concerned police station.

The present revision petition is accordingly allowed.

(Ashutosh Kumar, J)

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