

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1092 of 2017

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1. Mithlesh Ram, Son of Rajgir Ram, Resident of Village- Dih Jiwar, P.S.-
Hathauri, District- Muzaffarpur, under Guardianship of his mother, Sushila
Devi, W/o Rajgir Ram, Resident of Village- Dih Jiwar, P.S.- Hathauri,
District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Respondent/s : Mr. Smt Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-02-2018 The petitioner was declared a juvenile by the order of

the J.J.B., Muzaffarpur on 08.02.2017 and his age has been

assessed as 15 years, 9 months and 28 days on the date of

occurrence. He is said to be in remand home since 09.07.2015 in

connection with Hathauri P.S. Case No. 74 of 2015 dated

09.07.2015 instituted for the offences under Sections 384, 385,

387/37 of the Indian Penal Code and under Sections 25 (1-B)A,

26(ii), 35 and 27 of the Arms Act.

Some of the traders of the market were looted on gun
point and the accused persons, while fleeing away, were
apprehended; the juvenile/petitioner being one of them.

From the possession of the petitioner, one automatic
carbine was recovered.



Learned counsel for the petitioner has submitted that no looted commodity was recovered from the possession of the juvenile/petitioner and he has only wrongly been shown to be in possession of the automatic carbine. The kind of health that the juvenile/petitioner had at the time of the occurrence, it would have been difficult for him to lift the carbine. While the arms and other looted articles were being thrown away by the miscreants, one of them was picked-up and shown to be recovered from the possession of the petitioner. From the order impugned, it appears that the Probation Officer has submitted a report that the petitioner does not have clean antecedent and is accused in some cases which have been registered in different police stations.

Learned counsel for the petitioner has, however, submitted that the petitioner was earlier implicated in only one case viz. Aurai P.S. Case No. 99 of 2014 which was registered under Sections 386 and 387 of the IPC and Section 27 of the Arms Act. The aforesaid case was against unknown and on the implication of the petitioner, he was released on bail in that case.

Regard being had to the fact that the petitioner has remained in remand home almost for 2½ years and there is nothing on record to suggest that his release would defeat the ends of justice or would expose him to moral, physical and



psychological danger of coming in company of hardened criminals, he is directed to be released from the remand home on his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Principal Magistrate, Juvenile Justice Board, Muzaffarpur in connection with Hathauri P.S. Case No. 74 of 2015.

One of the bailors shall be the mother of the juvenile/petitioner. The mother of the juvenile/petitioner shall, at the time of filing of bail bonds will give an undertaking that she shall take good care of the juvenile/petitioner and prevent him from falling in company of the criminals. She would also undertake that in case she finds the juvenile/petitioner going astray, she will immediately report the matter to the officer-in-charge of the concerned police station and any breach of the aforesaid undertaking would entail criminal prosecution against the mother also.

The revision petition is allowed.

(Ashutosh Kumar, J)

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