

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.375 of 2018

Arising Out of PS. Case No.-488 Year-2017 Thana- BAKHTIYARPUR District- Patna

Vikash Kumar S/o Shri Hemant Singh @ Hemant Kumar, R/o Vill.- Rabaichh, P.S.- Bakhtiyarpur, District- Patna, Under Guradianship of his Father Shri Hemant Singh @ Hemant Kumar S/o Late Raghunandan Singh,

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Prem Paswan S/o Ram Pravesh Paswan, R/o Vill.- Belthan, P.S.- Bakhtiyarpur, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lal Babu Singh
For the Respondent/s : Mr. Smt. Veena Rani Prasadd.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 15-05-2018 The age of the juvenile/petitioner was assessed at less than 16 years on the date of occurrence i.e. 07.11.2017.

He has approached this Court for his release from the remand home, which prayer has been rejected by the Juvenile Justice Board, Patna as also by the appellate court.

The juvenile/petitioner is alleged to have caught hold of the hands of the deceased whereupon other accused persons are said to have fired from their weapons, killing him.

Learned counsel for the petitioner has submitted that though the petitioner has been named in the FIR but the reason for his false implication is the



earlier dispute which had arisen in a Cricket Match. The petitioner as well as the informant happen to be the residents of two villages between which there is a rivalry and in the past, cases and counter cases have been lodged against the villagers of the either side.

From the perusal of the order passed by the Juvenile Justice Board, Patna as also the appellate court, it does not appear to be clear as to what is the basis for both the courts to decide that releasing the petitioner from the remand home would lead to his moral and physical degradation or there would be a strong possibility of his falling in bad company.

Learned counsel for the petitioner has submitted that despite the petitioner being declared a juvenile and less than 16 years of age, he has been kept in the jail and not in the remand home.

Considering the aforesaid facts, it is directed that the petitioner above named be released from jail on his furnishing bail bond 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, Patna in connection with J.J.B. Case No. 26 of 2018 (arising out of Bakhtiyarpur P.S. Case No. 488 of 2017).

One of the bailors shall be the father of the petitioner, who at the time of filing his bonds shall



furnish an undertaking that he shall take good care of his son and in case of any disobedience by his son, he shall report the matter to the officer-in-charge of the concerned police station.

With the aforesaid observation, the present revision petition is disposed of.

(Ashutosh Kumar, J)

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