

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.721 of 2018

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1. Raushan Kumar S/o Om Prakash Giri, resident of Village- Shankarpur, P.S.- Haspura, District- Aurangabad. Under the guardianship Om Prakash Giri S/o Hardev Giri, resident of Village- Shankarpur, P.S.- Haspura, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri

For the Respondent/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 24-09-2018 This revision application has been preferred against the order dated 6.6.2018 passed in Criminal Appeal No.30 of 2018/08 of 2018 by Sri Vinod Kumar Tiwari, 1st Addl. Sessions Judge, Aurangabad which had been preferred by the petitioner against the order dated 17.5.2018 passed by the Juvenile Justice Board, by which the prayer for bail of the petitioner was rejected.

The prosecution case in short is that the police intercepted a Pick-up Van, four accused persons including the petitioner was arrested there, on search from the deposition of the petitioner, Rs.1,20,000/- was found and from the van 750 KG. of Ganja was recovered. It further appears that later on the petitioner has taken a plea of juvenile and his age was assessed as 14 years, 10 months, and 20 days as such he is below 16 years of age.



Learned counsel for the petitioner has assailed the judgment on the ground that nothing has been recovered from his conscious possession and he is in custody since 2.10.2016 and due to his custody, his study has been interrupted and there is no criminal antecedent of the petitioner and further the father of the petitioner is ready to fulfill every condition imposed by the Board, however, the learned J.J.B. has rejected the prayer for bail on the ground of recovery of huge quantity of Ganja and the social investigation report is also not proper and there is chance of repetition of same occurrence, if he is allowed bail but that is against the materials available on the record and he is ready to abide by any condition imposed upon him.

Heard learned APP.

Having heard both sides and from perusal of the record, it appear that though he has been found juvenile aged about 14 years, 10 months and 20 days but the social investigation report is against the petitioner, however, the petitioner has remained in custody since 2.10.2016 i.e. about two years and at best he should be convicted for three years and moreover father of the petitioner is ready to give an undertaking that he will be under the supervision of parents or probation Officer.

Having heard both sides and in view of the facts and



circumstances, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Aurangabad in connection with G.R.Case No.12 of 2016, J.J.B. No.670 of 2018 corresponding to Muffasil P.S.Case No.164 of 2016 with condition that one of the bailors shall be family members and once he will be released, he will be under the supervision of probation Officer till pendency of this case.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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