

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.630 of 2018

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1. Aditya Aryan @ Vidyarthi S/o Sanjeev Kumar @ Sanjeev Kumar Sharma, R/o Vill.- Harpur Krishna, P.S.- Sakra, District- Muzaffarpur under the Guardianship of his father Sanjeev Kumar @ Sanjeev Sharma S/o Ramakant Sharma R/o Vill.- Harpur Krishna, P.S.- Sakra, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha

For the Respondent/s : Mr. Sri Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-09-2018

This revision application is preferred against the judgment dated 27.2.2018 passed by the learned Sessions Judge, Muzaffarpur in Criminal Appeal No.13 of 2018 by which the order dated 14.12.2017 passed by the Juvenile Justice Board has been confirmed.

The prosecution case in short is that the police raided the house of Rajni Devi and one Subham Shekhar from whom a country-made pistol and live cartridges were recovered and on disclosure the police raided the house of the petitioner and from where the petitioner was arrested and a pistol was recovered from his bed. Apart from that it appears that the petitioner is accused in other cases also.



During the pendency of the case, the petitioner claims to be juvenile and the same was enquired and after enquiry the petitioner was declared juvenile, vide order dated 1.12.2017 passed by the J.J.B. and his age was as 16 years, 01 month and 10 days.

It further appears that from perusal of the record that the petitioner moved for bail before the J.J.B. and the same was rejected vide order dated 14.12.2017 passed by the J.J.B. on the ground that the petitioner is deficit of guardianship and releasing the petitioner shall expose him to moral social and psychological danger. The learned Sessions Judge has affirmed the above order of the J.J.B., vide judgment dated 27.2.2018 passed in Cr. Appeal No.13 of 2018.

Being aggrieved by the same, the present appeal has been filed and submission of the learned counsel for the petitioner is that the learned trial court as well as the appellate court has failed to appreciate the provisions of Section 12 of the Juveniles Justice (Care and Protection of Children) Act, 2005, which provides bail to the juvenile unless there appears a reasonable ground for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or his release would defeat the



ends of justice. In the present case social investigation report is not available and simply it is stated that the petitioner is deficit of guardianship and if he is released on bail, he will be exposed to moral, social and psychological danger in spite of the fact that father of the petitioner is ready to give undertaking that the petitioner will be protected from the association of criminals and moreover the petitioner is in custody since 11.11.2017 almost about ten months.

Heard learned APP.

Having heard both sides and considering the facts and circumstances as discussed above, it appears that the petitioner was held to be juvenile, no doubt he is accused in six other cases and the prayer for bail of the petitioner was rejected on the ground that his release may expose to moral, social and psychological danger but the learned appellate court as well as J.J.B. has failed to consider that father of the petitioner is ready to give undertaking that he will protect him from the criminals .

In such view of the matter, the learned appellant court as well as the J.J.B. ought to have considered his prayer for bail and allow him at least one chance to amend himself.

Considering the above discussions, this revision application is allowed and the petitioner is directed to be released



on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Muzaffarpur in connection with Sakra P.S.Case No.432 of 2017 with condition that one of the bailors must be father of the accused who will give undertaking that he will protect him from contact of the criminals and further he will be kept under the supervision of the Probation Officer and if the Probation Officer finds anything against the petitioner, he may move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

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