

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.864 of 2018

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1. Prakash Kumar, Son of Munna Prasad, resident of Mohalla- Sahebganj
Sonarpatti, P.S. Town Thana Chapra, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar

For the Respondent/s : Mr. Sri Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-10-2018 This revision application has been filed against the judgment dated 26.6.2018 passed in Cr. (Juvenile) Appeal No.30 of 2018 by Sri Satya Prakash Mishra 1st Additional Sessions Judge, Saran at Chapra by which he has rejected the prayer for bail of the petitioner and affirmed the order of the Juvenile Justice Board (in short "J.J.B.") dated 19.3.2018 passed in J.J.B. Case No.1269 of 2018.

The prosecution case in short is that the police got information that the accused persons have assembled for committing dacoity on that he raided the place and arrested some accused persons and the name of the petitioner also transpired as such he has been named in the FIR and later on it appears that on the basis of the same, Bhagwan Bazar P.S. Case No.491 of 2017 has been registered under Section 399, 402 and 414 of the IPC. It



appears that later on the petitioner was arrested and he has taken plea of juvenility and the learned J.J.B. has made enquiry about the assessment of the age of the petitioner and after enquiry he found the age of the petitioner about 16 years, 10 months 03 days and , vide order dated 31.1.2018. It further appears that the petitioner has prayed for bail before the J.J.B and his prayer for bail was rejected on the ground that the petitioner is in the company of bad element and he is accused in one more case and his release will expose him to the social, moral and psychological danger.

Against the aforesaid order of the J.J.B. the petitioner has preferred the Criminal Juvenile Appeal No.30 of 2018 and that appeal was also dismissed vide order dated 26.6.2018 by the learned appellate court on the ground that the J.J.B. has rightly refused the prayer for bail of the petitioner as there is report of the Probation Officer against him.

This revision application has been preferred against the order of the appellate court affirming the order of the J.J.B on the ground that the petitioner was not arrested on the spot and further there is no recovery from his possession and there is no social investigation report available on the record whereas Section 12 of the J.J.B. (Care and Protection) provides for bail unless there is no



exposure to the social moral and psychological danger or if he defeats the ends of the justice however, in the present case, his prayer for bail was rejected. He is in remand home since 1.12.2017.

Heard learned A.P.P.

Having heard both sides and from perusal of the record as stated above, it appears that the petitioner was named in the FIR but not arrested on the spot. It further appears that there is no recovery from the possession of the petitioner. No doubt the petitioner is accused in one more case but there is no social investigation report available on the record to show that there is chance of the exposure of the petitioner to the social, moral and psychological danger, if he is released on bail and furthermore, he is in custody for more than one year and the other co-accused persons have been granted bail.

Considering the entire discussions as made above, I find merit in this application, as such this revision application is allowed, the impugned order of the appellate court as well as the order of the J.J.B. are set aside. The petitioner is directed to be released on bail of Rs.10,000/- with two sureties of the like amount in connection with Bhagwan Bazar P.S.Case no.491 of 2017 pending in the court of Juvenile Justice Board, Saran at



Chapra bearing J.J.B. No.1269 of 2018.

(Vinod Kumar Sinha, J)

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