

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.404 of 2018

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1. Allauddin Ansari S/o Late Kamruddin Ansari @ Kamruddin, R/o Vill.-
Pathara, P.S.- Majhagadh, District- Gopalganj, under Guardianship of his
mother Nimajan Khatoon.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh

For the Respondent/s : Mr. Sri Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 28-05-2018

This criminal revision application filed under Section

102 of the J.J. (Protection of Children) Act is directed against the
order dated 22.02.2018 passed in Cr. Appeal No. 01/2018 by the
learned Sessions Judge, Gopalganj, whereby and whereunder the
Learned Appellate Court was pleased to upheld the order of the
learned Juvenile Justice Board, Gopalganj dated 12.12.2017 in J.E.
No. 184 of 2017 arising out of Barauli P.S. No 261 of 2017,
whereby learned board has refused the prayer for bail of juvenile /
petitioner.

The petitioner was declared juvenile by the learned
Juvenile Justice Board vide order dated 08.12.2017 at Annexure 2.
Thereafter, prayer for bail of the petitioner was refused by
Juvenile Justice Board on 12.12.2017 on the ground that the
petitioner has got criminal antecedent. The allegation was under



Section 414 IPC and Section 35 of Arms Act. The Juvenile Justice Board refused the prayer on the ground that the allegation against the petitioner is of heinous nature.

The aforesaid order was challenged in Cr. Appeal No. 01 of 2018 before the learned Sessions Judge, Gopalganj. Vide order dated 22.02.2018, the learned Sessions Judge dismissed the appeal on the ground that there is every apprehension of the petitioner being in association with any of the known criminals.

Submission of the learned counsel for the petitioner is that both the courts below have ignored the fact that there is no material on the record to substantiate that in the event of release, the petitioner would go into association with any of the known criminal. In absence of any material, the finding is not sustainable in law.

After hearing the parties, I find substance in the submission. Hence, orders dated 22.02.2018 passed by learned Sessions Judge, Gopalganj in Cri. Appeal No. 01 of 2018 and order dated 12.12.2017 passed by Juvenile Justice Board, Gopalganj in J.E. No.184 of 2017 arising out of Barauli P.S. Case No. 261 of 2017 are hereby set aside and it is directed that the appellant be released on furnishing bail bond of Rs. 5,000/-(Rs.



Five Thousand) by any of the parents with a condition that the sureties shall look into the proper upkeep of the petitioner and shall produce the petitioner as and when required in course of enquiry before the Juvenile Justice Board.

The revision petition is allowed

(Birendra Kumar, J)

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