

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.316 of 2018

=====

1. Gulistan @ Galistan @ Gulsita Begum
2. Lucy @ Lucy Begum
3. Imrana @ Imran @ Imrana Begum
All are daughters of Md. Rajabul @ Rajabul, under the
guardianship of their father, resident of Village-
Pandarpur, P.S.-Rauta, District-Purnea

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Fazle Karim, Advocate
For the Respondent/s : Mr. Rajendra Singh Shastri, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 11-05-2018 The petitioners, all of whom are minors, have been made accused in connection with Rauta P.S. Case No. 75 of 2017 which was initially instituted for the offences under Sections 341, 323, 325, 504, 448, 34 of the Indian Penal Code but later, with the death of the informant, Section 302 I.P.C was added.

The petitioner No. 1 was found to be more than 16 years of age on the date of occurrence whereas petitioner Nos. 2 and 3 were less than 16 years of age on the date of occurrence.

The prosecution case, as per the F.I.R is that because of the goat of one Rajabul having forayed into the agricultural field of the informant, the goat was impounded. As a result,



the petitioners and others are said to have assaulted the informant leading to fracture in one of her fingers. When a complaint was made by the informant, she was again assaulted. Later, during the course of treatment, the informant died.

The Juvenile Justice Board, Purnea after finding the petitioners to be less than 18 years of age, did not find it fit to release them from the remand home. The consideration of the Juvenile Justice Board was that their being released from remand home would lead to moral and physical danger to them and that all of them were able to understand and comprehend the consequences of their acts.

It appears that some assessment under Section 15 of the Juvenile Justice (Care & Protection of Children) Act, 2015 was made but that was in a general manner. No such consideration was required to be made with respect to petitioner Nos. 2 and 3 who were less than 16 years of age on the date of occurrence.

Be that as it may, the reasons which were assigned by the Juvenile Justice Board in refusing to release the petitioners from the remand home were accepted by the appellate Court in totality.

Both the orders do not reveal the reasons for coming to such a conclusion that the release of the



juvenile/petitioners shall not be for their benefit and would lead to unsavory impact on their future.

Regard being had to the nature of accusation against the petitioners, this Court is inclined to release them from the remand home.

The petitioners have approached this Court through their father, who is ready to take good care of the petitioners in case they are released from the remand home.

For the aforesaid reasons, the order dated 18.11.2017 passed by the Juvenile Justice Board, Purnea in G.R. No. 2742 of 2017, arising out of Rauta P.S. Case No. 75 of 2017, rejecting the prayer of the petitioners/juvenile for being released from juvenile home as well as the order dated 06.02.2018 passed by the learned Additional Sessions Judge, 1st, Purnea in Cr. Appeal No. 31 of 2017, affirming the aforesaid order, are set aside.

The petitioners/juvenile, above named, are directed to be released on their furnishing bond in the sum of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Purnea in connection with G.R. No. 2742 of 2017, arising out of Rauta P.S. Case No. 75 of 2017.

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



an undertaking that he shall take good care of their daughters and shall report about any disobedience of their daughters to the Officer-in-charge of the concerned Police Station.

The present revision petition is accordingly allowed.

(Ashutosh Kumar, J)

Shageer/-

U		T	
---	--	---	--

