

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.114 of 2018

Arising Out of PS. Case No.-392 Year-2016 Thana- KHAZANIHAT District- Purnia

Shubham Choudhary @ Shumm Choudhary @ Subham Kumar Choudhary,
Son of Sri Sanjeev Choudhary, Resident of Village- Uffrail, Power Grid, P.S.-
K.Hat, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Respondent/s : Mr. SRI TAPESHWAR SHARMA

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 23-03-2018 The age of the petitioner/juvenile has been assessed between 17-18 years. He has been made accused in connection with K. Hat (Sahayak) P.S. Case No. 392 of 2016 instituted for the offences under Sections 323, 324, 341, 307 and 504 of the Indian Penal Code.

The records reveal that because the petitioner/juvenile was assessed to be more than 16 years of age, his case was transferred to the Child Court viz. 1st Additional Sessions Judge-cum-Special Juvenile Judge, Purnea.



The prayer of the petitioner/juvenile for being released from the remand home where he has been lodged on 07.06.2017 has been rejected by the learned Child Court by his order dated 21.12.2017 passed in Special (Juvenile) Case No. 03 of 2017.

A perusal of the order impugned reveals that but for discussing the merits of the case, the Child Court has not at all adverted to the fact that the petitioner/juvenile is though being tried in the Child Court, is less than 16 years of age and the same considerations which are there for a juvenile who is less than 16 years, are to be considered for the purposes of releasing him also from the remand home.

The petitioner is said to have injured the brother of the informant by means of a dagger on his refusal to give his mobile telephone to him. There is nothing on record to suggest that the petitioner/juvenile, if released from the remand home would get in bad company which would not be conducive for his future.



There is no report of the Probation Officer or of the District Child Protection Unit or a social worker. The learned Child Court has also not taken into account any individual care plan for the petitioner/juvenile.

Regard being had to the circumstances referred to above and the fact that petitioner/juvenile is in remand home since 07.06.2017, this Court feels inclined to direct for his release from the remand home.

Let the petitioner/juvenile above named be released from the remand home on his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Juvenile Judge, Purnea in connection with Special (Juvenile) Case No. 03 of 2017, arising out of K. Hat (Sahayak) P.S. Case No. 392 of 2016.

One of the bailors shall be his mother, who at the time of filing her bail bonds, shall furnish an undertaking in clear and categorical terms that she



shall take good care of her child and in case she finds that the juvenile/petitioner is not responding to her advice, she shall report the matter forthwith to the officer-in-charge of the concerned police station.

With the aforesaid direction, this revision petition is disposed of.

(Ashutosh Kumar, J)

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