

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.291 of 2018

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1. Deepak Chouhan @ Deepu Chouhan, Son of Om Prakash chauhan,
resident of Village- Garar, P.S. Ziradei, District- Siwan under the
guardianship of his father Om Prakash Chauhan, Son of Alagu Noniya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Respondent/s : Mr. Sri Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 10-04-2018

Heard the counsel for the petitioner.

The juvenile/petitioner seeks his release from the remand home, where he has been lodged since 25.09.2017 in connection with Zeeradei P.S. Case No. 79/2017 dated 21.09.2017 instituted for the offence under Section 302/34 of the Indian Penal Code.

The juvenile/petitioner was aged about 15 years and five months on the date of the occurrence.

It appears that because of an old dispute, the son of the neighbour, viz. Suraj Chauhan was assaulted, which led to his death. The petitioner has been alleged to have participated in the occurrence along with others, viz. Vikash Chauhan, Madhuri Devi and Suresh Chauhan.

The Juvenile Justice Board, Siwan has rejected the



prayer of the juvenile/petitioner for being released from the remand home.

From perusal of the impugned appellate order, it further appears that the appellate court was of the view that release of the juvenile/petitioner from the remand home would defeat the ends of justice as the offence which is said to have been committed by him and others is a serious one. The appellate court, however, has not referred to any special reason for not acceding to the request of the juvenile/petitioner for his being released from the remand home. No doubt, the juvenile/petitioner has been made accused in a case under Section 302/34 of the Indian Penal Code but the nature of the accusation itself reveals that he is required to be kept under amiable circumstances, which could be provided to him in his home.

There is no antecedent of the juvenile/petitioner also.

Considering the aforesaid facts, this Court is inclined to release the juvenile/petition from the remand home.

The juvenile/petitioner, above named, is directed to be released from the remand home, subject to 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 Juvenile Justice Board,



Siwan in connection with Zeeradei P.S. Case No. 79 of 2017, subject to the condition that one of the bailors shall be his father and at the time of filing his bond, he would furnish an undertaking that he shall keep the juvenile under his proper care and supervision.

The revision application is allowed.

(Ashutosh Kumar, J.)

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