

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.88 of 2018

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Ramesh Kumar, Son of Late Nandji Chaudhari, Resident of Village- Bhada Khurd, Police Station- Siwan Mufasil, District- Siwan, Under Guardianship and Natural Guardian of his mother namely Most. Lalmati Devi, Wife of Late Nandji Chaudhari, resident of Village- Bhada Khurd, Police Station- Siwan Mufassil, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the State : Mr. Sri Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 12-03-2018 The petitioner/juvenile, who has approached this Court through his mother for being released from the remand home where he has been lodged since 10.11.2016 in connection with Jiradei P.S. Case No. 51 of 2016, dated 09.11.2016, instituted for offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-B)(a), 26 and 35 of the Arms Act, 1959.

The petitioner/juvenile was arrested along with two other persons by the police party. From the



possession of two other associates of the juvenile/petitioner, firearm weapons were recovered. From the possession of the juvenile/petitioner, only one knife was recovered. From the possession of others, *Charas* also was recovered and for which a separate case has been registered under the Narcotic Drugs & Psychotropic Substances Act, 1985.

The juvenile/petitioner has been adjudged to be of the age of more than 16 and less than 18 years of age on the date of occurrence.

The prayer of release of the petitioner/juvenile from the remand home has been rejected by both the Courts, *i.e.*, the Juvenile Justice Board, Siwan in J.E. Case No. 172 of 2017 and the learned 1st Additional District & Sessions Judge, Siwan in Cr. Appeal No. 71 of 2017.

Regard being had to the circumstances of the case, the nature of recovery and the period for which the petitioner/juvenile has remained in the remand home, this Court feels inclined to release him from the remand home.

While saying so, this Court has also taken note of the fact that there is complete absence of any material which would justify the detention of the petitioner/juvenile in the remand home any further. There is nothing on record also to come to the conclusion that in case of



release of the juvenile from the remand home, he is likely to get into the company of veteran criminals or be exposed to further criminal activities.

The mother of the juvenile/petitioner is ready to furnish a bond and to be a bailor for her son.

The petitioner/juvenile, above named, is directed to released from the remand home on his furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Siwan, in connection with Jiradei P.S. Case No. 51 of 2016, corresponding to G.R. Case No. 4566 of 2016.

One of the bailors shall be the mother of the petitioner, who, at the time of filing of her bonds, shall give an undertaking that she will take good care of the juvenile/petitioner and in case the juvenile/petitioner avoids paying heed to her advice, she would report the matter forthwith to the Officer-In-Charge of the concerned police station.

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

(Ashutosh Kumar, J)

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