

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No. 397 of 2018

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1. SONU KUMAR @ NITISH KUMAR @ NITESH KUMAR, through his natural Guardian and Father namely Dilip Kumar Azad, son of Arjun Sah Laheri, Resident of village- Choti Ballia Bazaar, P.S. Ballia, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh

For the Respondent/s : Mr. Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-05-2018

Heard the counsel for the petitioner.

The petitioner/juvenile seeks his release from the remand home where he has been lodged since 09.08.2017 in connection with Bhairabasthan P.S. Case No. 68/2017 dated 23.07.2017 instituted for the offence under Section 395 of the Indian Penal Code.

It has been submitted on behalf of the petitioner/juvenile that he has not been named in the F.I.R. nor was he arrested at the spot. Nothing has been recovered from his possession. His implication in the present case is only on the basis of the confession of a co-accused, which may not necessarily be an evidence in the eyes of law.



The records reveal that the petitioner/juvenile, apart from this case, has been also made accused in two other cases. However, the other two cases arise out of same transaction. The petitioner was first arrested in Bhairabasthan P.S. Case No. 69 of 2017 from his Darbhanga residence, whereafter he was remanded in this case as well as in Bhairabasthan P.S. Case No. 67 of 2017.

The petitioner was declared a juvenile by the order dated 14.09.2017 and his age was assessed at less than 16 years on the date of the occurrence.

The orders passed by the Juvenile Justice Board, Madhubani as well as by the appellate court do not indicate any reason for their coming to the conclusion that in case of release of the petitioner/juvenile from the remand home, he shall fall in bad company or would get into association with veteran criminals which will not be good for his moral, physical and psychological well being.

The petitioner/juvenile has approached this Court through his father who is ready to take good care of the petitioner/juvenile, if he is released from the remand home.

Considering the nature of accusation and the period for which he has remained in the remand home and other relevant factors, this Court is inclined to direct for his release.



The petitioner/juvenile, 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, Madhubani in connection with Bhairabasthan P.S. Case No. 68 of 2017.

One of the bailors shall be the father of the petitioner/juvenile who at the time of filing his bonds, shall furnish an undertaking also that he will take good care of his son and in case the petitioner/juvenile does not pay heed to his advice, he shall report the matter to the officer-in-charge of the concerned police station forthwith.

The revision petition is, accordingly, allowed.

(Ashutosh Kumar, J.)

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