

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.635 of 2018

Arising Out of PS. Case No.-31 Year-2018 Thana- NAUTAN District- Siwan

Niraj Kumar Bhagat @ Niraj Kumar, S/o Jawahir Bhagat, R/o Vill.- Hasua,
P.S.- Nautan, District- Siwan Under the guardianship of his Father Jawahir
Bhagat, S/o Mundrika Bhagat.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Respondent/s : Mr. Sri Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-07-2018 The petitioner/juvenile has been made accused
in Nautan P.S. Case No. 31 of 2018 instituted for the
offences under Sections 399, 402, 413 and 414 of the
Indian Penal Code and under Sections 25(1-b)A/26 and
35 of the Arms Act.

He was declared a juvenile by order dated
07.04.2018 and his age on the date of occurrence was
assessed as 17 years and 9 months.

On secret information in the concerned police
station, a raid was conducted near a brick kiln of the
village and three persons were found fleeing away. Three
of them were caught; one being the petitioner. From the
possession of the petitioner, it has been stated that one
loaded country made pistol and Rs. 5000/- in cash was
recovered. Though the records reveal that at the time of



his remand, the concerned Chief Judicial Magistrate had assessed his age as 20 years and during inquiry, he was found to be 18 years of age.

Learned counsel for the petitioner has submitted that he has falsely been implicated in this case only because of his being present at the place where two other persons were arrested. Nothing was actually recovered from the possession of the petitioner. It has further been submitted that the petitioner is a person of clean antecedent and therefore it does not appear probable that he would be in association of undesirable elements/criminals. The recovery of Rs. 5000/- from the possession of the petitioner though is being denied, but it is submitted that there is no evidence to connect the aforesaid cash amount with the case of robbery of a bank employee.

The petitioner/juvenile is in remand home since 18.02.2018.

Learned counsel for the petitioner has further submitted that from the appellate order, it would become evident that the social investigation report disclosed that the petitioner had been prosecuting his study and there is no earlier complaint against him. The aforesaid facts, it has been submitted, has been completely ignored by the Juvenile Justice Board as also



the appellate court.

Regard being had to the aforesaid facts, the juvenile/petitioner, above named, is directed to be released from remand home on furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Siwan in connection with Nautan P.S. Case No. 31 of 2018, corresponding to Juvenile Trial No. 64 of 2018.

One of the bailors shall be the father of the petitioner, who at the time of filing his bonds, shall give an undertaking that he shall take good care of his child and in case he finds that the juvenile/petitioner is not responding to his homilies, he shall report the matter straightway to the officer-in-charge of the concerned police station.

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

(Ashutosh Kumar, J)

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