

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1334 of 2018

Arising Out of PS. Case No.-292 Year-2018 Thana- BIHARSHARIF District- Nalanda

Gaurav Kumar son of Ram Pavitra Yadav @ Karu Yadav, resident of Village- Tikulipar, P.S. Bihar, District- Nalanda through his father and natural guardian namely Sri Ram Pavitra Yadav @ Karu Yadav, son of Late Kamal Yadav, resident of Village- Tikulipar, P.S. Bihar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Mr. Nilesh Kuamr Mr. Md.Imteyaz Ahmad
For the Respondent/s	:	Mr. B.N. Pandey

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-12-2018 This revision application has been preferred against the judgment dated 6.10.2018 passed by the 1st Addl. Sessions Judge cum Special Judge, Nalanda at Biharsharif in Juvenile Appeal No.14 of 2018 by which he has dismissed the appeal preferred by the petitioner and affirmed the order dated 23.8.2018 passed by the learned Juvenile Justice Board Case No. 279 of 2018 arising out of Bihar P.S.Case No.292 of 2018 by which he had refused the prayer of the petitioner to release him on bail.

The prosecution case in short is that the informant Vishal Kumar lodged written report stating that he along with his cousin brother Ankit Kumar had gone to Biharsharif Bazar



on Scooty from his house and at 4.30 P.M. they reached Shram Kalyan Kendra ground and parked his scooty and whey they were playing at about 5.00 P.M., Gautam Kumar, Gaurav Kumar, Anna Kumar, Vicky Kumar, Gopal and 4-5 unknown persons reached there and Gautam Kumar asked the key of the Scooty from the brother of the informant of the scooty and when he refused to give the key of the Scooty, Gautam and Gaurav along with his friends started assaulting his brother. It is further alleged that Gautam Kumar was bearing pointed ring in hand while he hit on the eye of his brother due to which he faint and fell down thereafter Gaurav who had also pointed iron rod in his hand assaulted on his head which caused injury on his forehead and thereafter other accused persons also assaulted.

On the basis of the aforesaid written report, Bihar Bazar P.S.Case no.292 of 2018 was registered.

After arrest, the petitioner claims to be juvenile as such, he was declared juvenile vide order dated 21.7.2018 passed in J.J.B Case No.279 of 2018 and his age was assessed as 13 years, 7 months and 7 days. Thereafter the petitioner has prayed for bail before the Juvenile Justice Board (hereinafter to be referred as 'the J.J.B. '), however, the learned J.J.B. has dismissed his prayer for bail vide order dated 23.8.2018 against



which the petitioner has preferred his Juvenile Appeal bearing No.14 of 2018 against the order passed by the J.J.B. and the appeal was also dismissed vide order dated 6.10.2018 on the ground that if the juvenile petitioner is released on bail there is reasonable apprehension of exposing him to moral , physical and psychological danger to the society and it would defeat of ends of justice and also on the ground that probation report of the Probation Officer also supports this fact that the petitioner is required extensive counseling and ethical education and training and such thing can be possible only in remand home and not in the open society

Being aggrieved by the judgment of the appellate court as well as the order of the Juvenile Justice Board, this revision application has been preferred by the petitioner on the ground that both the J.J.B. and the appellate court has rejected the prayer for bail and not considered this aspect of the matter that the petitioner is entitled for grant of bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 unless there is chance of his exposure to moral physical and psychological danger or his release would defeat of end of justice and in spite of the aforesaid provision, the prayer for bail of the petitioner has been rejected.



Heard learned APP.

Having heard both sides and in view of the facts and circumstances of the case that there is allegation against the petitioner that he assaulted by pointed iron rod causing injury on the forehead and copy of the postmortem report shows the cause of death is head injury caused by the hard pointed substance and apart from that it appears that the petitioner is in company of other accused persons and caused occurrence as such the learned appellate court has rejected the prayer for bail of the petitioner and affirmed the order of the J.J.B. on the ground that the petitioner requires extensive counseling and ethical education and training and such thing can be possible only in remand home and not in the open society and it further appears that if he is allowed bail there is chance of his keeping into contact of the hardened criminals.

Considering the aforesaid facts and circumstances of the case, I find no merit in this revision application as such the same is dismissed, however considering the fact the petitioner is sent in the Remand Home, as such the learned J.J.B. is directed to expedite the trial and try to conclude it as soon as possible.

(Vinod Kumar Sinha, J)

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