

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1178 of 2017

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Sonu Kumar, Son of Bachan Yadav, Resident of Village- Narawat, Police Station- Atri, District- Gaya through his father and natural guardian namely Bachan Yadav Son of Late Chalitar Yadav, Resident of Village- Narawat, Police Station- Atri, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Respondent/s : Mr. Smt. Indu Bala Pandey

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 09-02-2018

The petitioner, who is a juvenile has approached this Court through his father for his release from the remand home where he has been lodged in connection with Atri P.S. Case No. 150 of 2017 dated 14.07.2017, instituted for the offences under Sections 414, 420, 467, 468/34 of the Indian Penal Code.

Three miscreants, who have been named in the F.I.R were arrested while fleeing away with stolen motorcycle. On their arrest, they disclosed that the motorcycle was purchased from the petitioner/juvenile. On such information, the house of the petitioner/juvenile was raided and a motorcycle was recovered from there. The petitioner/juvenile is said to have purchased that motorcycle from one Mukesh Kumar. The petitioner, thereafter was sent to jail but on his being declared a juvenile vide order



dated 18.08.2017, he was shifted to the remand home.

From the perusal of the orders passed by the Juvenile Justice Board and the Appellate Court on the application seeking his release, it appears that such prayer was rejected primarily on the ground that the petitioner/juvenile has gone in company of motorcycle lifters.

True it is that the petitioner was arrested in the aforesaid case but such arrest was only on the basis of suspicion and on the confession of the accused persons. The aforesaid accused persons have been granted bail by the regular Court. There is nothing on record to substantiate the opinion of the Appellate Court that the juvenile needs to be reformed as he has fallen in bad company.

Regard being had to the aforesaid facts, the order dated 06.09.2017 passed by the Juvenile Justice Board, Gaya as well as the order dated 10.10.2017 passed by the learned Sessions Judge, Gaya in Cr. Juvenile Appeal No. 63 of 2017, arising out of Atri P.S. Case No. 150 of 2007, whereby the prayer for being released from the remand home has been rejected, are set aside.

The petitioner/juvenile, above named, is directed to be released on his furnishing bond in the sum of Rs.



10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Principal Magistrate, Juvenile Justice Board, Gaya in connection with G.R. No. 4528 of 2017, arising out of Atri P.S. Case No. 150 of 2017.

One of the bailors shall be father of the petitioner who at the time of filing his bonds will give an undertaking that he shall take care of his son and prevent him from falling in bad company. In case the petitioner/juvenile does not accede or pay heed to the advice of his father, the father would be under an obligation to report the matter forthwith to the concerned police station.

The present revision petition is accordingly allowed.

(Ashutosh Kumar, J)

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