

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.394 of 2018

=====

Sonu Kumar @ Nitish 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

The State of Bihar

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh

For the Respondent/s : Mr. Sri Rana Randhir Singh

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 11-05-2018 The petitioner, who has been declared a juvenile, has
approached this Court through his father for his release from
the remand home where he has been lodged since
09.08.2017 in connection with Bhairabasthan P.S. Case No.
67 of 2017 dated 23.07.2017, instituted for the offence under
Section 392 of the Indian Penal Code.

The petitioner/juvenile has not been named in the
F.I.R and his name only transpired in the confession of a co-
accused. The informant/Deepak Kumar Jha has alleged that
while he was coming on his motorcycle to his home, three
motorcycle borne youths surrounded him and took away his
motorcycle and the personal belongings. Later, the name of
the petitioner/juvenile also transpired.



From the orders passed by the Juvenile Justice Board as well as by the learned Sessions Judge, Madhubani in Cr. Appeal No. 77 of 2017, there does not appear to be any material to suggest that if the petitioner is released from the remand home, he is likely to get into association of known criminals and that his release would expose him to moral, physical and psychological danger which would not be good for his well-being.

The ground taken by the learned Appellate Court in rejecting the prayer of the petitioner/juvenile for being released from the remand home is that there are two other cases apart from the present case against the petitioner/juvenile.

The Learned counsel for the petitioner/juvenile has submitted that all the three cases referred to above arise out of the same transaction. Initially, the petitioner/juvenile was arrested in connection with Bhairabasthan P.S. Case No. 69 of 2017 and thereafter he was remanded in this case as well as in the other case viz. Bhairabasthan P.S. Case No. 68 of 2017.

The father of the petitioner/juvenile is ready to undertake that he shall provide good support system to his son and is also agreeable to the proposal that if the petitioner refuses or disobeys his advice, he shall report the matter



immediately to the Officer-in-charge of the concerned Police Station.

Regard being had to the aforesaid facts, this Court is inclined to release the petitioner/juvenile from the remand home.

Accordingly, the order dated 18.10.2017 passed by the Principal Magistrate, Juvenile Justice Board, Madhubani in G.R. Case No. 1110 of 2017, ER. No. 953 of 2017, arising out of Bhairabasthan P.S. Case No. 67 of 2017, rejecting the prayer of the petitioner/juvenile for being released from juvenile home as well as the order dated 12.03.2017 passed by the learned Sessions Judge, Madhubani in Cr. Appeal No. 77 of 2017, affirming the aforesaid order, 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 the learned Principal Magistrate, Juvenile Justice Board, Madhubani in connection with G.R. No. 1110 of 2017, ER. No. 953 of 2017, arising out of Bhairabasthan P.S. Case No. 67 of 2017.

One of the bailors shall be the father of the petitioner, who at the time of filing of his bonds shall furnish an undertaking that he shall take good care of his son and if the petitioner refuses to accept his advise/homilies, he shall



report the same to the Officer-in-charge of the concerned Police Station forthwith.

The present revision petition is accordingly allowed.

(Ashutosh Kumar, J)

Shageer/-

U		T	
---	--	---	--

