

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.482 of 2018

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Bikki Kumar, Son of Late Nagendra Singh, Resident of Village- Repura, P.S.- Lalganj, District- Vaishali at Hajipur, presently residing at his Nanihal at Village- Chak Sikandar, P.S. Bidupur, District- Vaishali at Hajipur, through his brother and natural Guardian Deepak Kumar, Son of Late Nagendra Singh, resident of Village- Repura P.S. Lalganj, District- Vaishali at Hajipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kr. Singh, Adv.

For the State : Mr. Ram Sumiran Roy, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

6 16-08-2018 A supplementary affidavit has been filed on behalf of the petitioner in Court. Let it be taken on record.

The juvenile/petitioner has prayed for his release from the Remand Home where he has been lodged since 01.01.2018 in connection with Raj Nagar P.S. Case No. 320 of 2017, dated 31.12.2017, instituted for the offences punishable under Sections 420, 468, 471, 401, 411 and 414/34 of the Indian Penal Code.

The juvenile/petitioner has been named in the F.I.R. as having been arrested with a stolen motorcycle. Nine



persons were arrested with motorcycles, some of which did not have the registration number. It has been presumed by the Officer-in-Charge of the concerned police station, on whose self-statement the subject F.I.R. has been lodged, that the vehicles used by the petitioner and others were stolen property.

Learned counsel for the petitioner has submitted that the Juvenile Justice Board, Madhubani *vide* order dated 24.01.2018, assessed the age of the petitioner as 15 years 10 months and 3 days on the date of the occurrence. It has further been submitted that prior to the lodging of the subject F.I.R., the juvenile/petitioner was not accused in any case and only after his having been made accused in the present case, he has been remanded in another case of similar nature. It has also been submitted that the vehicle which was being driven by the petitioner had the number plate and the registration number and there is only a presumption of the Officer-in-Charge of the concerned police station that the aforesaid motorcycle was stolen one.

There is nothing on record, it has been argued, to lend credence to the assessment of the Officer-in-Charge of the concerned police station and the concerned Courts below that the petitioner is the part of an active gang of motorcycle snatchers. There very fact that there is no case instituted against him in the past, *i.e.* before the registration of the



present case, demonstrates that such a presumption does not have any basis.

Regard being had to the aforesaid facts as also the period for which the juvenile/petitioner has remained in the Remand Home, *i.e.* 01.01.2018, this Court deems it appropriate to direct for his release.

The juvenile/petitioner, above named, is directed to be released from the remand home on his furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Madhubani, in connection with Rajnagar P.S. Case No. 320 of 2017.

One of the bailors shall be the mother of the juvenile/petitioner, who, at the time of filing of the bonds, shall give an undertaking that she will take good care of the juvenile/petitioner and in case the juvenile/petitioner avoids paying heed to her advice, she would report the matter forthwith to the Officer-In-Charge of the concerned police station.

This revision petition is, thus, allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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