

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.146 of 2018

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Jyotish Kumar Son of Jagdish Tanti, Resident of Village-
Mauzi Hari Singh, P.S. Bakhari, District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh
For the Respondent/s : Mr. Sri Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 10-08-2018 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 Bakhari P.S. Case No. 253 of 2016 dated 11.12.2016, which was initially instituted for the offences under Sections 363, 365/34 of the Indian Penal Code but later Section 302 and 201/34 I.P.C has also been added.

The son of the informant went missing and only after about nineteen days of the report lodged by him, his dead body was recovered.

From the F.I.R, it has been submitted on behalf of the petitioner, it would appear that the petitioner has been named only on the basis of suspicion. The elder brother of the petitioner has also been named in the F.I.R. It has further



been submitted that during the course of investigation, no concrete material could be collected against him.

The age of the petitioner has been assessed to be less than sixteen years by the Juvenile Justice Board, Begusarai. However, his prayer for bail has primarily been rejected by the Juvenile Justice Board on the ground that he is under wrong influence of his elder brother viz. Ravish Kumar, a co-accused of this case and the learned Appellate Court has also affirmed the order of the Juvenile Justice Board.

The records of this case reveal that the mobile telephone which was used in the occurrence was primarily being used by aforesaid Ravish Kumar, the elder brother of the petitioner who has been granted bail by a Bench of this Court.

The father of the petitioner is ready to undertake that he shall provide good care to the petitioner, if he is released from the remand home.

Considering the nature of accusation against the petitioner/juvenile, his age at the time of commission of the offence, the nature of accusation being only on the basis of suspicion and the period for which he has remained in the remand home which is dated 12.12.2016, this Court deems it appropriate to direct for his release.

The petitioner/juvenile 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 Juvenile Justice Board, Begusarai in connection with J.J.B. Case No. 983 of 2016, arising out of Bakhari P.S. Case No. 253 of 2016.

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 shall report about any disobedience of his son to the Officer-in-charge of the concerned Police Station.

The present revision petition is accordingly allowed.

(Ashutosh Kumar, J)

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