

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1081 of 2017

Arising Out of PS. Case No.-132 Year-2017 Thana- BEGUSARAI TOWN District- Begusarai

Shivam Priyadarshi Son of Angira Singh Resident of Village- Hemra, P.S.
Muffasil, District Begusarai under the guardianship of Angira Singh

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nilanjan Chatterjee

For the Respondent/s : Mr. DR. KUMAR UDAY PRATAP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 19-03-2018 The petitioner has approached this Court for being released from the remand home where he has been lodged since 11.04.2017 in connection with Begusarai Town P.S. Case No. 132 of 2017 instituted for the offences under Sections 307 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner has been declared a juvenile 20.07.2017 and his age has been assessed to be more than 16 years but less than 18 on the date of occurrence. The allegation against the petitioner is of having opened fire along with one Manish Deva,



resulting in injuries to one Aman Kumar/informant of the case.

It has been submitted on behalf of the petitioner that though he is named in the FIR with the specific allegation that he along with another had opened fire but the informant has not stated as to whose shot hit him. There were about six persons who had come in search of the informant. The petitioner/juvenile does not have any criminal antecedents but is in company of the Manish Deva who has criminal antecedents.

Learned counsel for the petitioner/juvenile has submitted that both the courts below did not take into consideration the fact that the father of the petitioner is ready to take good care of him and prevent him from associating with the persons of criminal bent of mind. Merely because one of the named accused persons has a criminal history, that by itself, it has been argued, would not entitle the Juvenile Justice Board as also the appellate court to hold an opinion that the



petitioner/juvenile cannot be released from the remand home. The case in which the petitioner has been made accused would not fall in the category of an offence under Section 2(33) of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Regard being had to the fact that the father of the petitioner/juvenile is ready to keep the petitioner/juvenile with him and afford him a congenial and good atmosphere at home as also the period of the stay of the petitioner/juvenile in the remand home which is from 11.04.2017, this Court is inclined to release the petitioner/juvenile from the remand home.

Let the petitioner/juvenile above named be released from the remand home on his furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Principal Member, Juvenile Justice Board, Begusarai in connection with Begusarai Town P.S. Case No. 132 of 2017.



The father of the petitioner/juvenile shall be one of the bailors who at the time of filing his bonds shall furnish an undertaking that he shall take good care of his child and in case the petitioner/juvenile does not pay heed to his advice, he shall report the matter forthwith to the officer-in-charge of the concerned police station.

With the aforesaid observation and direction, this revision petition is disposed of.

(Ashutosh Kumar, J)

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