

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.934 of 2017

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Aftab Alam, Son of Nizzamuddin, resident of Village-Ranipur, P.S.-Dariyapur, District-Saran. Through his natural guardian and his own brother Manzoor Alam, S/o Nazzamaddin, resident of Village-Ranipur, P.S.-Dariyapur, District-Saran, being the elder brother is filing Vakalatnama as a guardian on behalf of the petitioner.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Anjum Perveen, Adv.

For the State : Mr. Suresh Prasad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 27-02-2018 The petitioner/juvenile, who has approached this Court through his elder brother, seeks his release from the remand home where he has been lodged since 08.09.2016 in connection with Dariyapur P.S. Case No. 230 of 2016 instituted for offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioner/juvenile is alleged to have killed his own brother in a planned manner.

The petitioner was declared a juvenile on



07.06.2017 by the Juvenile Justice Board.

The case in hand was lodged by one Anguri Khatoon, who has alleged that on 07.09.2016, she was informed that the condition of her husband is serious. When she went to her matrimonial home, she found that her husband had been murdered. In that context, aforesaid Anguri Khatoon had alleged that this juvenile/petitioner was keeping a bad eye on her right after ten days of her marriage with the deceased and the other family members of her husband were also helping him in that direction.

From the records, it appears that the Probation Officer, on enquiry, reported that the juvenile/petitioner bears good conduct but the Juvenile Justice Board as well as the appellate Court, taking into account the age of the petitioner which was almost at the verge of attaining majority, refused to release the juvenile/petitioner from the remand home. There is nothing on record to suggest that if the petitioner/juvenile is released from the remand home, he shall fall in bad company or such order shall not be beneficial for him.

Regard being had to the fact that the case against the petitioner has been lodged by her sister-in-law, who has not seen the occurrence and only harboured suspicion against the petitioner as, according to her, the



petitioner/juvenile had lustful eye on her from the beginning and also taking into account the period for which the petitioner has remained in the juvenile home, this Court is inclined to release him from remand home.

Taking into account the aforesaid facts, the judgment dated 05.08.2017, passed by the learned 1st Additional Sessions Judge, Chapra in Cr. (Juvenile) Appeal No. 45 of 2017, and the order dated 05.07.2017, passed by the learned Juvenile Justice Board, Chapra in Juvenile Justice Board Case No. 1526 of 2017, are set-aside.

The petitioner/juvenile, 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, Chapra, in connection with Dariyapur P.S. Case No. 230 of 2016.

This revision petition is thus allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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