

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.403 of 2018

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Sonu Kumar @ Nitish Kumar through his Natural Guardian
and Father namely Dilip Kumar Azad , S/o Arjun Sah Laheri,
R/o Vill.- Choti Ballia Bazar, P.S.- Ballia, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh
For the Respondent/s : Mr. Dr.Mrityunjaya
Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 11-05-2018 The petitioner, who is a juvenile, has approached this Court for his release from remand home where he has been lodged in connection with Bhairabasthan P.S. Case No. 69 of 2017 dated 25.07.2017, instituted for the offences under Sections 399, 402, 412, 413, 414 of the Indian Penal Code and Section 28 of the Arms Act.

The age of the petitioner/juvenile was assessed by the Juvenile Justice Board as more than sixteen years but less than eighteen years on the date of occurrence. The name of the petitioner transpired during the course of investigation of this case through the mouth of one of the co-accused persons and hence, he was taken into custody on 09.08.2017. However, after the petitioner was declared a juvenile, he was



shifted to the remand home on 01.11.2017. Both the Courts below i.e. Juvenile Justice Board as well as the learned Sessions Judge, Madhubani have refused to release the petitioner from the remand home on the ground that there is a possibility of his falling in bad company, if he is let out from the remand home.

The learned counsel for the petitioner/juvenile has submitted that there is nothing in the Social Investigation Report which would reveal that in case the petitioner is released from the remand home, he is likely to get into the 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 father of the petitioner 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 to his advice, he shall report the matter immediately to the Officer-in-charge of the concerned Police Station.

Considering the nature of accusation and the aforesaid facts the order dated 18.10.2017 passed by the Juvenile Justice Board, Madhubani in G.R. Case No. 1126 of 2017, arising out of Bhairabasthan P.S. Case No. 69 of 2017, rejecting the prayer of the petitioner/juvenile for being released from juvenile home as well as the order dated



12.03.2018 passed by the learned Sessions Judge, Madhubani in Cr. Appeal No. 72 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. 1126 of 2017, arising out of Bhairabasthan P.S. Case No. 69 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 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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