

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.83 of 2018

Arising Out of PS. Case No.-154 Year-2017 Thana- GUTHNI District- Siwan

Chandan Kumar Yadav @ Chandan Yadav son of Kamechha Yadav, R/o Village- Shahasrawn Parsaha (Khudal Tola), P.S.- Asaown, District- Siwan under the gurdianship of his father Kamechha Yadav son of Baijnath Yadav.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwary, Advocate
For the State : Smt. Sahin Begam, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-01-2018 This case has been taken up out of turn as the petitioner is an examinee of Intermediate examination, which is scheduled to commence from 1st of February, 2018.

The defects pointed out by the Stamp Reporter are ignored.

The petitioner, who is juvenile, has approached this Court through his father for being released from the Remand Home, where he has been lodged in connection with Guthani P.S. case No.154 of 2017 dated 03.09.2017 instituted for offences under Sections 272/273 of the Indian Penal Code and Sections 30(a)/38(a)/41(1) of the Bihar Prohibition and Excise Act, 2016.

The age of the petitioner/juvenile has been assessed as less than 18 years on the date of occurrence. From the record, it appears that the petitioner was caught on chase trying to speed



away the motorcycle. 32 bottles of country-made liquor and approximately 125 bottles of I.M.F.L. were recovered from his possession.

It has been submitted on behalf of the petitioner/juvenile that he has been falsely implicated in this case and the seizure list is only an imagination of the Officer conducting the raid. He has further submitted that he is in Remand Home since 04.09.2017 and there is nothing on record to suggest that if he is released from the Remand Home, it would expose him to mental, psychological and other dangers. There is no social investigation report on record. The petitioner does not have any criminal antecedent.

It appears that both the courts below, namely, the Juvenile Justice Board as well as the Appellate Court have not taken the report of the social investigation into account for refusing to release the petitioner from Remand Home.

Regard being had to the aforesaid facts, the orders dated 09.11.2017 and 04.01.2018 passed by the Principal Magistrate, Juvenile Justice Board, Siwan in G.R. No.4455 of 2017 arising Guthani P.S. case No.154 of 2017 and the 1st Additional District & Sessions Judge, Siwan in Criminal Appeal No.77 of 2017 respectively, are set aside.



The petitioner/juvenile is directed to be released forthwith from the Remand Home, subject to furnishing his bond in the sum of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Siwan in G.R. No.4455 of 2017, Guthani P.S. case No.154 of 2017, Juvenile Trial No.198 of 2017.

The application is allowed.

(Ashutosh Kumar, J)

Narendra/-

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