

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.475 of 2018

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1. Amul Kumar Son of Late Yogendra Prasad Resident of Village - Duhal
(Chandi Asthan), P.S. Imamganj, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Veer

For the Respondent/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 25-09-2018 This revision application has been preferred against the judgment dated 8.3.2018 passed in Cr. Appeal (Juvenile) No.15 of 2018 which has been preferred against the order dated 31.1.2018 passed in Misc. Case No.12 of 2018 (G.R.No.2351 of 2017).

The prosecution case in short is that on 13.11.2017 the police reached near the Imamganj Bus Stand behind Hero Motorcycle Agency, and they saw two persons in suspicion condition and they started to flee away seeing the police party on which they were chased and apprehended and from possession of the petitioner, a country made sixer loaded pistol and one smart phone and also one mobile were seized from the accused persons. The petitioner claims himself to be juvenile and after the enquiry the J.J.B. has assessed his age 15 years, 10 months and 28 days.



Thereafter the petitioner has moved for bail, which was rejected by the J.J.B. vide order dated 31.1.2018 on the ground that the social investigation report is adverse against him and it has also been mentioned that in the social investigation report, there is deficit of guardianship and protection of juvenile by his parents and the release of the petitioner shall be exposure to the moral , social and psychological danger to the society. The petitioner has preferred an appeal against the aforesaid order of the J.J.B. and that criminal appeal was also dismissed by the learned Sessions Judge, against which the present revision application has been preferred.

Submission of the learned counsel for the petitioner is that the mother of the petitioner is ready to give undertaking that she will protect him from the clutches of the criminal elements and take care of him and furthermore he is in custody since 14.11.2017 as well as he is juvenile aged below 16 years.

Heard learned APP, who has opposed the prayer for bail stating that the petitioner is accused in one more case.

Having heard both sides and in view of the facts and circumstances of the case and as the petitioner is in custody since 14.11.2017 though the social investigation report shows that there is deficit of guardianship and protection of the juvenile by his



parents from criminal but considering the fact that he is in custody since 14.11.2017, this revision application is allowed, the judgment of the appellate court as well as the order dated 31.1.2018 of the J.J.B. are set aside and the petitioner is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of J.J.Board, Gaya in connection with Misc. Case No.12 of 2018 (G.R.No.2351 of 2017) on condition that one of the bailors must be mother of the petitioner and further during the pendency of this case, the petitioner shall be under the supervision of the probation officer and in case of any adverse report by Probation Officer, the prosecution may move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

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