

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1322 of 2018

Arising Out of PS. Case No.-3 Year-2016 Thana- ANDHRAMATH District- Madhubani

Sandeep Kumar Keshri son of Shankar Keshri @ Shiv Shankar Raut, resident of Village- Dumra, P.S. Andhramath, District Madhubani through his natural guardian and father namely Shankar Keshri @ Shiv Shankar Raut, son of Late Debu Raut, resident of Village- Dumra, P.S. Andhramath, District Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur with M/S Nilesh Kumar . Malay Kumar Choudhary, Advocates
For the Respondent/s	:	Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-12-2018 This revision application is directed against the judgment dated 1.10.2018 passed by learned 1st Additional Sessions Judge, Madhubani in Cr.Appeal No. 69 of 2018 whereby and whereunder he has dismissed the appeal and affirmed the order dated 20.8.2018 passed by learned Juvenile Justice Board (in short 'JJB'), Madhubani in Enquiry No. 1096 of 2018/ G.R.No. 65 of 2016 by which the JJB has refused prayer for bail of the petitioner.

Prosecution case, in short, is that informant has lodged FIR about kidnapping of his minor daughter and thereafter her dead body was recovered. FIR is against unknown. It appears that later on petitioner has been made



accused in this case on the basis of suspicion and he was arrested and after his arrest he has prayed for declaring him as juvenile and after enquiry he was found to be juvenile and his age was assessed at 13 years 4 months at the time of occurrence and thereafter he has prayed for bail before the JJB and the same was rejected on the ground that parents have no control over the petitioner and there is every chance of petitioner's contact with harden criminals, against which petitioner has preferred Cr.Appeal No. 69 of 2018, which was also dismissed on the ground that charge against the petitioner is heinous in nature.

Being aggrieved by the aforesaid impugned judgment of appellate court as well as order of JJB this revision application has been filed on the ground that both the courts below have failed to appreciate the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short '2015 Act'), which provides that a juvenile be released unless there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person's release would defeat the ends of justice, whereas in this case the petitioner has been made accused only on the basis of suspicion, having no criminal



antecedent and there is no social investigation report or any other report available on record and in spite of that his prayer for bail has been rejected both by learned JJB and learned appellate court.

Heard learned APP, who has supported the impugned judgment of appellate court as well as order of JJB.

Having heard both sides and on perusal of the record it appears that paragraphs 14 to 18 of the revision application clearly show that except suspicion there is nothing against the petitioner and furthermore there is no social investigation report or any other report available on record to show that petitioner has background of having a chance to come into contact with harden criminals and his age has been assessed at 13 years 4 months at the time of occurrence.

Considering all aspects of the matter, this revision application is allowed. The impugned judgment dated 1.10.2018 passed by learned appellate court and the order dated 20.8.2018 passed by learned JJB are set aside.

The petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Madhubani, in connection with Enquiry



No. 1096 of 2018, corresponding to G.R.No. 65 of 2016, arising out of Andhramath P.S.Case No. 3 of 2016, subject to the condition that one of the bailors shall be the father of the petitioner, who will file an undertaking that he will protect him from anti-social elements and petitioner will be under the supervision of Probationary Officer and if there is any adverse is found against the petitioner, the prosecution is given liberty to move for cancellation of his bail bond.

(Vinod Kumar Sinha, J)

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