

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.128 of 2018

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1. Chunchun Kumar, son of Raj Kumar @ Raj Kumar Yadav, resident of Village- Sahbajpur, P.S.- Bena, District- Nalanda under the guardianship of his father namely Raj Kumar @ Raj Kumar Yadav

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Premchandra Yadav

For the Respondent/s : Mr. Sri Satyadev Prasad Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 10-04-2018

Heard the counsel for the petitioner.

The juvenile/petitioner seeks his release from the remand home where he has been lodged since 20.07.2017 in connection with Khusrupur P.S. Case No. 139/2017 dated 19.07.2017 instituted for the offences under Sections 399, 402, 353, 307 and 414 of the Indian Penal Code read with Sections 25(1-b)a, 26, 27 and 35 of the Arms Act as well as Sections 20 and 22 of the N.D.P.S. Act.

The petitioner was found to be more than 16 but less than 18 years of age, on the date of the occurrence.

The Juvenile Justice Board has assessed the case of the petitioner under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and found that the



juvenile/petitioner is required to be tried as an adult. Hence, the case of the juvenile/petitioner was sent to the Special Court/ Child Court where the case has been registered as Special Case No. 101/2017.

From perusal of the impugned order dated 02.01.2018 passed by the learned Xth Additional Sessions Judge, Patna, it appears that the court below while considering the application for release of the juvenile/petitioner, has only gone on the gravity of the offence and has not discussed anything about the social investigation report of the juvenile/petitioner.

It has been submitted that the juvenile/petitioner is a student and no narcotic substance was recovered from his possession. He is only said to be in possession of a country made weapon.

Regard being had to the fact that the father of the petitioner is ready to undertake that he shall look after the juvenile/petitioner properly, this Court is inclined to release him from the remand home.

The juvenile/petitioner above named is directed to be released from the remand home, subject to 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 Juvenile Justice Board,



Patna in connection with Khusrupur P.S. Case No. 139 of 2017, subject to the condition that one of the bailors shall be his father and at the time of filing his bond, he would furnish an undertaking that he shall keep the juvenile under his proper care and supervision.

The revision application is allowed.

(Ashutosh Kumar, J.)

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