

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.333 of 2018

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Divyanshu Kumar S/o Saroj Kumar Singh R/o Amara Talab, P.S. -
Sasaram, District - Rohtas.

.... Petitioner

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh

For the Respondent/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 24-09-2018 This revision application has been filed against the judgment dated 5.2.2018 passed by Sri Ram Babu Tripathi, learned Additional Sessions Judge-I, Rohtas at Sasaram by which he has dismissed Criminal Appeal No. 69 of 2017 filed by the petitioner preferred against the order dated 20.11.2017 passed by learned Juvenile Justice Board, Rohtas whereby prayer for bail of the petitioner was rejected.

Learned counsel for the petitioner has assailed the judgment on the ground that petitioner has been declared to be juvenile and found his age as 13 years 5 months and 27 days, being below 18 years of age, and he has remained in custody for one year but prayer for bail of the petitioner was rejected on the ground that he might have joined the criminal association and there was also chance of mental danger to him though father of the



petitioner has filed an affidavit with an undertaking that he will be watching the conduct of the petitioner in future. Further submission of learned counsel is that learned appellate court has not considered the aforesaid aspect of the matter and dismissed the prayer for bail stating that he has criminal antecedent also and is accused in one more case though petitioner is a juvenile below 16 years of age, at best if he has been convicted and he may be sentenced for a maximum period of three years and he has remained in custody for one year.

Heard learned APP also, who has justified the appellate court judgment and the order of JJB.

From perusal of the order of JJB it appears that the petitioner is found to be juvenile and his prayer for bail has been rejected on the ground that earlier also a case of similar nature of theft of motorcycle was lodged against him, which is pending before JJB, Rohtas and Probation Officer has recommended that his supervision is necessary and learned appellate court has dismissed the appeal filed by the petitioner but he has failed to consider that father of the petitioner has filed an affidavit with an undertaking to prevent the petitioner from the exposure of social, mental and psychological danger and furthermore he has remained in custody for about one year and the maximum sentence is for



three years.

In such view of the matter, this revision application is allowed and both the impugned order of JJB and judgment of appellate court are set aside.

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, Rohtas at Sasaram in connection with JJB Case No. 244 of 2017, corresponding to G.R.No. 3786 of 2017, arising out of Shivsagar P.S.Case No. 288 of 2017 on the condition that one of the bailors must be one of the parents of the petitioner and he/she will file an undertaking that he/she will prevent the petitioner from the criminal activities in future.

(Vinod Kumar Sinha, J)

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