

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.278 of 2019

Arising Out of PS. Case No.-34 Year-2018 Thana- GALGALIYA District- Kishanganj

Vishal Kumar Yadav, S/o Sri Amar Kumar Yadav @ Amar Kumar Ray, R/o Village- Aurai, P.S.-Aurai, District- Muzaffarpur under the guardianship of natural guardian Amar Kumar Ray @ Amar Kumar Radav, S/o Chedi Ray, R/o Village- Aurai, P.S.-Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Respondent/s : Mr. Dinesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 27-05-2019 Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 30.11.2018 passed by the Additional Sessions Judge-I-cum-Special Judge, Kishanganj in Cr. Appeal No. 22 of 2018 whereby he has rejected the application for bail and affirmed the order dated 06.09.2018 passed by the Juvenile Justice Board, Kishanganj in J.J.B. No. 32 of 2018, arising out of special Case No. 09 of 2018 (Galgalia P.S. Case No. 34 of 2018).

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent. At the relevant time, the petitioner was juvenile and while travelling on the Bus he was apprehended along with other co-accused and from the possession of the petitioner 8.60 Kg of Ganja was recovered.



The petitioner is in custody since 08.05.2018. He further submits that the petitioner is a student and if he is not released, his career would be ruined.

The application for bail of the petitioner was rejected by the Juvenile Justice Board on the ground that he was involved in a serious crime and if he is released it may not be in the interest of Juvenile. On appeal, the Appellate Court dismissed the appeal on the ground that his release may not be in the interest of the juvenile and continuance in the custody is in the larger interest of the juvenile as well as the society.

The Court takes judicial notice of the fact that the very object of reform of a juvenile in keeping Observation Home has in fact frustrated, as the custody of juvenile in Observation Home has become counter productive and no return is seen. Correction in the behaviour is more natural and possible if the juveniles are kept in custody of the natural guardian and kept in the family. The petitioner is in custody since 08.05.2018 and thus he has remained in custody for more than one year and his restoration in the family may prove catalyst in changing his behaviour.

Under the aforesaid circumstances, the Court is inclined to allow this application and set aside the order dated



30.11.2018 passed by the Additional Sessions Judge-I-cum-Special Judge, Kishanganj in Cr. Appeal No. 22 of 2018 and the order dated 06.09.2018 passed by the Juvenile Justice Board, Kishanganj in J.J.B. No. 32 of 2018, arising out of special Case No. 09 of 2018 (Galgalia P.S. Case No. 34 of 2018).

Accordingly, this application is allowed and the petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Kishanganj in connection with J.J.B. No. 32 of 2018, arising out of special Case No. 09 of 2018 (Galgalia P.S. Case No. 34 of 2018) subject to the condition that the bailors should be the natural guardian/family member of the petitioner.

(Anil Kumar Upadhyay, J)

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