

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.290 of 2019

Arising Out of PS. Case No.-96 Year-2018 Thana- SAHAJITPUR District- Saran

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Punit Singh @ Munmun @ Jhunjhun @ Munmun Kumar @ Rahul, Son of Shambhu Singh, Who is Natural guardian of the Petitioner, both Resident of Village- Sharmi, P.S.- Sahajitpur, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Yashin Ansari, Son of Md. Hussain Ansari, Resident of Village- Hafizpur, P.S.- Shahjitpur, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Samir Kumar Singh, Advocate
For the Respondent/s : Mr. Satyendra Prasad, APP

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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 a juvenile and his name was disclosed by the co-accused in the commission of loot and murder.

The petitioner is aggrieved by the order dated 30.01.2019 passed by the 1st Additional Sessions Judge, Saran at Chapra in Cr. (Juvenile) Appeal No. 06 of 2019 whereby he has rejected the application for bail and affirmed the order dated 05.01.2019 passed by the Juvenile Justice Board, Saran at Chapra in J.J.B. Case No. 788 of 2019, arising out of Sahajitpur P.S. Case No. 96 of 2018.

From Annexure-2, it appears that the petitioner passed



Matriculation examination (10th) from Bihar School Examination Board, Patna in 1st Division in the year 2017. The Juvenile Justice Board on consideration of materials including the case diary declined to release the petitioner, holding that he may be exposed to moral, physical and psychological danger, if he is released, it will defeat the ends of justice as after his release he will come in the association of bad company and therefore his application for bail was rejected. The Appellate Court has passed detailed order wherein every submission was taken note including the Social Investigation Report and the report of the Probation Officer as well. After perusal of the Social Investigation Report of the petitioner, which contains conflicting opinion as some of the neighbour expressed their view about the good behaviour of the petitioner and same against the petitioner there is no complaint about his conduct by Local Mukhia and Sarpanch and they have stated that earlier conduct of the petitioner was good. The Probation Officer has also reported that there is no problem on his release, yet the appeal was dismissed by the Appellate Court. The petitioner is in custody since 26.10.2018.

The Court in the given situation is of the view that correction in the conduct of the petitioner is possible and the



correction is possible provided he is kept in the company of the good people. The custody of the petitioner in the present case is counter productive, as newspaper report, indicates that in Observation Home instead of reforming a juvenile in conflict with law they are more instructed and expose to commission of serious crime.

Under the aforesaid circumstances, particularly, considering the Social Investigation Report and the report of the Probation Officer, the Court is of the view that the correction in the behaviour of the petitioner is possible in the family and as such in the peculiar facts of the case, the Court is inclined to allow this application and set aside the order dated 30.01.2019 passed by the 1st Additional Sessions Judge, Saran at Chapra in Cr. (Juvenile) Appeal No. 06 of 2019 as well as order dated 05.01.2019 passed by the Juvenile Justice Board, Saran at Chapra in J.J.B. Case No. 788 of 2019, arising out of Sahajitpur P.S. Case No. 96 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, Saran at Chapra in connection with



J.J.B. Case No. 788 of 2019, arising out of Sahajitpur P.S. Case No. 96 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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