

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.346 of 2019

Arising Out of PS. Case No.-1193 Year-2018 Thana- SONEPUR District- Saran

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ANNU SINGH @ ANNU KUMAR SINGH son of Kedar Singh, Under
Guardian of his father Kedar Singh Resident of village Ganga Jal P.S.-
Sonepur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh

For the Respondent/s : Mr.Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 03-09-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The present criminal revision has been preferred
against the judgment dated 21.01.2019 passed in Cr. (Juvenile)
Appeal No. 01/2019 by 1st Additional Sessions Judge, Saran at
Chapra and also against the order dated 22.12.2018 passed by
learned Principal Magistrate, J.J. Board, Chapra by which the
bail of the petitioner has been rejected in connection with
Sonepur P.S. Case No. 1193 of 2018 corresponding to J.J.B.
Case No. 1639 of 2018.

The prosecution allegation, in short, is that while the



informant was coming on his motorcycle, the accused persons snatched his motorcycle, sum of Rs. 12,650/- and mobile and fled away.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.12.2018 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. There is no recovery of any incriminating articles from the possession of the petitioner.

The report of the Probation officer shows that the petitioner does not take interest in study. He is a student of intermediate. Finally, it was reported that the petitioner needs proper counselling and it is necessary for him to provide some skill development training for future employment. Further the report of the Probation Officer does not reveal that there is material to substantiate that the petitioner lacks proper parental care nor there is any conclusive finding by the Probation Officer that in the event of grant of bail, the petitioner is likely to go into the association of known criminals.

The law requires that reasonable grounds should be there for believing that in the event of grant of bail, the petitioner would go into the association of any “known



criminal” or exposed to moral, physical and psychological danger or the release of the petitioner would defeat the ends of justice. There is no reference of any known criminal nor there is any other substantial material for the conclusion as recorded by the Court below.

Hence, the impugned order suffers from failure to exercise jurisdiction vested in law and is result of error apparent on the face of the record and non-consideration of provisions of law. Accordingly, this criminal revision is allowed and the judgment dated 21.01.2019 passed in Cr. (Juvenile) Appeal No. 01/2019 by 1st Additional Sessions Judge, Saran at Chapra and also the order dated 22.12.2018 passed by learned Principal Magistrate, J.J. Board, Chapra in connection with Sonapur P.S. Case No. 1193 of 2018 corresponding to J.J.B. Case No. 1639 of 2018 are set aside.

Let the petitioner, who has already been declared juvenile by the learned Juvenile Justice Board, be released in favour of either of the parents on execution of surety bond of Rs. 5,000/- (five thousand) to the satisfaction of learned Juvenile Justice Board, Chapra in connection with Sonapur P.S. Case No. 1193 of 2018, corresponding to J.J.B. Case No. 1639 of 2018 with condition that the petitioner will be produced as



and when required by the Juvenile Justice Board for co-
operation of his enquiry.

Pankaj/-

(Sudhir Singh, J)

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