

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.405 of 2019

Arising Out of PS. Case No.-651 Year-2018 Thana- RUNISAIDPUR District- Sitamarhi

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ROHIT KUMAR Son of Nand Kumar Sahi Resident of Village - Khopi , P.S.-
Runnisaidpur, Distt - Sitamarhi. Through his natural guradian (father) Nand
Kumar Sahi S/o Mithila Sahi, Resident of Village - Khopi, P.S.- Runnisaidpur,
Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Respondent/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 27-05-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is aggrieved by the order dated
13.12.2018 passed by the Juvenile Justice Board, Sitamarhi in
Runnisaidpur P.S. Case No. 651 of 2018, corresponding to JJ.
Board No. 1460 of 2018 registered under Section 414 IPC
rejecting the prayer for bail of the petitioner and the order dated
23.02.2019 passed by the 1st Additional Sessions Judge,
Sitamarhi in Cr. Appeal No. 2 of 2019 affirming the order of
rejection of bail.

Learned counsel for the petitioner would submit that
the petitioner has no criminal antecedent. The allegation against
the petitioner is that he was involved in theft of motorcycle. The



age of the petitioner has been assessed as 16 years 2 months 27 days on the date of occurrence. The petitioner is in custody since 28.10.2018. Counsel further submits that nothing was recovered from the conscious possession of the petitioner. He has not even been put on TIP and, may be, on suspicion the petitioner has been made accused in this case and remanded to the judicial custody.

It appears that the prayer for bail of the petitioner was refused by the Juvenile Justice Board which was affirmed by the appellate Court in Appeal No. 2 of 2018. The appellate Court on perusal of the case diary held out that materials are available in the case diary to connect the petitioner in commission of the crime. The atmosphere outside the observation home is not conducive for correction of the petitioner and as such the appellate court declined to interfere with the order passed by the Juvenile Justice Board. The Court further finds from the order of the appellate Court that the court below has not considered the report of the Probation Officer in the process of taking decision in appeal. In the instant case there is specific statement that the petitioner has clean antecedent and there is no contrary social investigation report or the report of the Probation Officer to indicate that release of the petitioner may be detriment to the



interest of the society and the environment. The court is inclined to allow this application.

Accordingly, this application is allowed. The order dated 13.12.2018 passed by the Juvenile Justice Board, Sitamarhi in Runnisaidpur P.S. Case No. 651 of 2018, corresponding to JJ. Board No. 1460 of 2018 registered under Section 414 IPC rejecting the prayer for bail of the petitioner and the order dated 23.02.2019 passed by the 1st Additional Sessions Judge, Sitamarhi in Cr. Appeal No. 2 of 2019 affirming the order of rejection of bail are accordingly quashed and set aside.

Let the petitioner, above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of the J.J.Board, Sitamarhi in connection with Runnisaidpur P.S. Case No. 651 of 2018 corresponding to J.J.Board No. 1460 of 2018, subject to the condition that both the bailors shall be the natural guardian/family members.

(Anil Kumar Upadhyay, J)

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