

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.458 of 2019

Arising Out of PS. Case No.-288 Year-2018 Thana- BARHARIA District- Siwan

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Arun Pandit, Son of Vinod Pandit, Resident of Village - Dhanaw, Near-Tetalhi Bridge, P.S.- Barharia, Distt.- Siwan, Under Guardianship and Natural guardian of his mother namely Soni Devi aged about 46, Gender - Female, Wife of Vinod Pandit, Resident of Village - Dhanaw, Near Tetalhi Bridge, P.S.- Barharia, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Respondent/s : Mr. Pawan Kumar Chaurasia

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-05-2019 Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 11.03.2019 passed by the learned Sessions Judge, Siwan in Cr. Appeal No. 08 of 2019 whereby he has rejected the application for bail and affirmed the order dated 01.02.2019 passed by the Juvenile Justice Board, Siwan in J.E. Case No. 197 of 2018, arising out of Barharia P.S. Case No. 288 of 2018 (G.R. No.5199 of 2018).

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent. He was aged about 17 years at the time of occurrence. Allegation against the petitioner is that he along with others brutally assaulted Manu Ansari on



the trivial issue of not giving side on the road. The petitioner is in custody since 20.09.2018.

The application for bail was rejected by the Juvenile Justice Board. On appeal, the appellate Court rejected the appeal on the ground that the appellant was major enough to understand the consequence of his act, since the petitioner was involved in giving brutal assault on Monu Ansari, who died in the incident. The Court refused to grant bail and upheld the order passed by the J.J. Board. In this process, the appellate court has not considered either the Social Investigation Report or the report of the Probation Officer and thus the court below have not acted in accordance with the provisions of the Juvenile Justice Act.

Considering the fact that the petitioner has got no criminal antecedent and he is in custody since 20.09.2018, the Court is inclined to allow this application and set aside the order dated 11.03.2019 passed by the learned Sessions Judge, Siwan in Cr. Appeal No. 08 of 2019 as well as the order dated 01.02.2019 passed by the Juvenile Justice Board, Siwan in J.E. Case No. 197 of 2018, arising out of Barharia P.S. Case No. 288 of 2018 (G.R. No.5199 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, Siwan in J.E. Case No. 197 of 2018, arising out of Barharia P.S. Case No. 288 of 2018 (G.R. No.5199 of 2018) subject to the condition that the bailors should be the natural guardian/family member of the petitioner.

It shall be the obligation on the natural guardian/family member to ensure appearance of the petitioner on the date fixed in the case. In the event, any complaint is received as to influencing or terrorizing the witnesses, the Juvenile Justice Board shall be at liberty to cancel his bail bonds.

(Anil Kumar Upadhyay, J)

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