

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.1235 of 2018

Arising Out of PS. Case No.-123 Year-2017 Thana- BARBIGHA
District- Sheikhpura

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Lakshman Kumar, Son of Ravindra Yadav, Resident of Village-
Karichak (Dhanawan) P.S.- Sarmera District- Nalanda under the
Guardianship of Sarda Devi Wife of Ravindra Yadav of Village-
Karichak (Dhanawan) P.S.- Sarmera District- Nalanda (Mother of
the petitioner).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar

For the Respondent/s : Mr.Sri Nityanand Tiwary

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 02-01-2019 The petitioner seeks his release from the remand

home where he has been lodged in connection with

Barbiga P.S. Case No. 123 of 2017 dated 14.03.2017

instituted for the offences under Sections 364, 302,

201/34 of the Indian Penal Code.

The petitioner was adjudged a juvenile but above

sixteen years of age. However, without considering the



case of the petitioner in terms of Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Juvenile Justice Board, Sheikhpura as well as learned Appellate Court rejected the prayer of the petitioner for being released from the remand home.

The petitioner had approached this Court earlier by way of revision against the aforesaid orders passed by the Juvenile Justice Board, Sheikhpura and the Appellate Court, but this Court, vide order dated 13.07.2018 remanded the case back to the Juvenile Justice Board, Sheikhpura for making an assessment by the Board whether the case of the petitioner is required to be transferred to the Children's Court.

The Juvenile Justice Board, Sheikhpura, thereafter on consideration of the materials, found that the petitioner was cognizant of the nature of crime and that he understood the quality of his act. Since the petitioner was more than sixteen but less than eighteen years of age on the date of occurrence and his involvement in this case was for heinous offence as defined under Section 2(33) of



the Act, the Juvenile Justice Board deemed it expedient not to release the juvenile/petitioner from the remand home and remanded the case to the Children's Court. The Children Court, on analyzing the materials collected against the petitioner/juvenile, rejected the prayer for his being released from the remand home.

It appears that son of the informant who was called by one of his associates on his mobile telephone, went out of his house, never to return. Later, the dead body of the son of the informant was recovered. During the course of investigation, it was gathered that one Manish Kumar had called the deceased on his mobile telephone. Thereafter the petitioner/juvenile was arrested as his name figured in the CDR report, displaying that the petitioner/juvenile, the deceased and aforesaid Manish Kumar were in touch with each other.

Mr. Upendra Kumar, learned advocate for the petitioner has submitted that but for the aforesaid evidence, there is no other material to link the petitioner/juvenile with the offence. It has further been



submitted that the disclosure of the juvenile before the Police was under duress and coercion.

The petitioner has approached this Court through his mother who undertakes to take good care of him in case he is released from the remand home.

Regard being had to the aforesaid facts as also taking into account the period for which the petitioner/juvenile has remained in the remand home, this Court deems it expedient to direct for the release of the petitioner/juvenile from the remand home.

Let the petitioner, above named, be released from the remand home on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st / Juvenile Justice Board, Sheikhpura in connection with Barbigha P.S. Case No. 123 of 2017, G.R. No. 364-A/ 2017.

One of the bailors shall be the mother of the petitioner, who at the time of furnishing of the bond shall also give a written undertaking that she shall take good care of her son and in case her sane advice would not be paid heed to by the petitioner/juvenile, the matter shall immediately be



reported to the Officer-in-charge of the concerned Police
Station.

The revision petition is accordingly disposed off.

(Ashutosh Kumar, J)

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