

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.806 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- RAJPUR District- Buxar

Chhotu Ansari @ Arif Anwar Son of Rashid Ansari Under guardianship of his father Rashid Ansari Son of Abdul Latif Ansari, Resident of Village - Khiri, P.S.- Rajpur, District- Buxar

... .. Petitioner

Versus

THE STATE OF BIHAR Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Respondent/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 10-12-2019 Heard learned Counsel for the petitioner and the learned Counsel for the respondent State.

Juvenile Justice Board, Buxar in Juvenile Justice Board Case No. 514 of 2019 refused petitioner's prayer for bail. The petitioner thereafter approached the Court of 1st Additional District Judge -cum- Special Judge, Buxar, by filing Cr. Appeal No. 21 of 2019. The same has also been dismissed. The petitioner has accordingly approached this Court for grant of bail.

The petitioner is alleged to have taken away daughter of the informant. As per the allegation daughter of the informant was aged 17 years, whereas the petitioner at the relevant time was less than 14 years of age.



Petitioner's Counsel submits that falsity of the allegation is evident from the fact that father of the victim girl has in fact lodged a complaint against the informant of the instant case which is Annexure 2 of the application. Father of the victim has alleged involvement of the informant in the occurrence.

It is submitted that report has also been received from the Child Welfare Officer wherein the findings have been recorded regarding the petitioner being of a very normal character without any bad habits. The report is also positive in respect of petitioner's discipline at Home and his duty towards classmates and towards children. Further the report projects a very positive profile of the petitioner. However, having regard to the fact that mother of the petitioner was also made an accused the Child Welfare Officer has recommended that the release could be in favour of the father but subject to strict supervision.

The petitioner is in custody since 23.1.2019.

In the circumstances, the prayer of the petitioner for being released on bail is allowed subject to strict supervision and sureties.

It is under such circumstances, the impugned orders deserve to be quashed. Accordingly, both orders passed by the



courts below are set aside. However, having regard to the report as well as legal position emanating from Section 12 of the Juvenile Justice (Care and protection of Children) Act, this Court only observes that before releasing the petitioner from custody, Board shall take an undertaking from his father and natural guardian to the extent that he will take all possible steps to ensure that the petitioner is kept in his safe custody and shall cooperate with the inquiry before the Juvenile Justice Board. The petitioner be released at once, after submission of such undertaking and sureties by his father.

With the aforesaid observations this application stands allowed.

(Madhuresh Prasad, J)

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