

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.174 of 2020

Arising Out of PS. Case No.-188 Year-2019 Thana- PARSA District- Saran

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SUJEET KUMAR, S/o Vinek Prasad R/o village- Bathuni, P.S.- Parsa, Distt.
Saran (Under the guardianship of Ramagya Mahto, Nana of the petitioner)

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Respondent/s : Mr. Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-07-2020 Heard Mr. Mukesh Kumar Singh, learned counsel

for the petitioner; Mr. Krishna Kumar Yadav, for the

informant; and Mr. Anand Mohan Prasad Mehta, for the

State.

The juvenile / petitioner seeks his release from the

Observation Home where he is lodged since 23.08.2019 in

connection with Parsa P. S. Case No. 188 of 2019 dated

12.06.2019 instituted for the offences under Sections



341, 323, 325, 302, 504, 506 and 34 of the Indian Penal Code.

The concerned Juvenile Justice Board has refused to release the juvenile / petitioner from the Observation Home on the ground that the petitioner has participated in the killing of the deceased by assaulting him from behind his back.

The juvenile / petitioner challenged the aforesaid order before the Children's Court on the ground that the consideration by the Juvenile Justice Board was not in accordance with the law and that despite there being Social Investigation Report of the Probation Officer on record, the same was not taken into account by the Board.

The Children's Court also, it has been urged, based its decision on the merits of the accusation rather than the considerations which ought to have weighed with it. However, the Children's Court took note of the fact that in the Social Investigation Report, there was a



reference of complaints against the juvenile / petitioner by the neighbours.

Those entries in the Social Investigation Report, it has been argued, was not sufficient to the Children's Court to have come to the conclusion that in the best interest of the child, he should not be released or that if he is released, he would return to recidivism.

Considering the aforesaid arguments raised on behalf of the petitioner and taking into account the other attendant factors, the juvenile / petitioner, above-named, is directed to be released from the Observation Home on his maternal grandfather, namely, Ramagya Mahto, furnishing bonds in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the Juvenile Justice Board, Chapra, Saran in J.J. Board Case No. 1068 of 2019.

The maternal grandfather of the juvenile / petitioner shall also furnish a separate undertaking at the time of filing of the bond that he shall take good



care of his grandson and shall report the matter to the District Child Welfare Unit in case the juvenile / petitioner does not follow his homilies and advice.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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