

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.771 of 2019**

Arising Out of PS. Case No.-10 Year-2018 Thana- PAWANA District- Bhojpur

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APPU KUMAR @ PAPPU KUMAR S/o Raj Kumar Sao Through his legal guardian Gyanti Devi (Mother), R/o village- Maniyach, P.S.- Pawna, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Respondent/s : Mr.Rajendra Nath Jha

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 22-05-2020 This application has been placed for consideration by the order of the Hon'ble the Chief Justice through virtual court proceeding.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case has challenged the order dated 7th March, 2019 passed by learned Additional Judge VI, Bhojpur at Ara in Cr. Appeal No. 02/2019 whereby he has been pleased to dismiss the appeal and affirm the order dated 9th October, 2019 passed by learned Juvenile Justice Board, Ara in connection with J.J.B. Case No. 1338/2018 arising out of Pawna P.S. Case No. 10/2018 dated 23.02.2018 under Section 376(2)(i)



of the I.P.C. and 4/6 of the Protection of Children from Sexual Offence Act.

Learned counsel for the petitioner submits that the alleged occurrence took place on 23.02.2018. The petitioner who is the accused in the case was adjudged a juvenile aged about 13 years 5 months and 8 days by the Juvenile Justice Board. It is the submission of learned counsel for the petitioner that the petitioner was a Class VIIIth student at the relevant time, he was less than 14 years of age and has remained in the juvenile home for more than two years by now. It is submitted that the mother of the petitioner has given an undertaking in paragraph 12 of the revision application that if released from the juvenile home she will take care of the petitioner and there will be no chance of the petitioner coming into contact with any criminal or the bad elements. It is also submitted that the petitioner has no criminal antecedent and in the social investigation report the Probation Officer has not recorded any adverse finding against the behavioural pattern of the petitioner.

Learned counsel further submits that considering the object of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as 'the Act of 2015') the release of the petitioner at this stage would only be in consonance with the interest of the juvenile and in case this court directs release of the



petitioner from juvenile home, his mother undertakes to take care of the education of the petitioner by putting him in a good school and shall not allow him to come in contact either with the victim girl and/or he will not be exposed to any bad element in the society. The Probation Officer may monitor the conduct of the petitioner during the period the petitioner remains under release.

Learned A.P.P. for the State submits that from the impugned order it will appear that the learned ADJ-VI Court Bhojpur refused to release the petitioner by taking a view that the petitioner may be in danger if released and at the same kind he may repeat the same occurrence. Learned A.P.P. however accepts that the petitioner has remained in the remand home for over two years by now and he being a juvenile, the object of the Act of 2015 is to place a juvenile with his family and allow him to reunite and the institutional remand in such cases may not be required.

Having heard learned counsel for the petitioner and learned A.P.P. for the State, considering the submission of learned counsel for the petitioner that the petitioner has remained in the juvenile home for over two years by now and the mother of the petitioner is ready to give an undertaking that if released from the juvenile home the petitioner will be admitted in a good school, she will take care of his education and shall not allow him to come in contact with the victim girl and in no case the petitioner will be



exposed to any bad element to the society, this Court has also perused the social investigation report which does not indicate that the petitioner had any behavioural issue or connection with any bad element in the society prior to the present occurrence, the observations of the learned J.J. Board and the appellate court are not based on any materials on record, this court keeping the aim and object of the Act of 2015 particularly Section 12 thereof in view directs release of the petitioner on bail on furnishing bail bond of Rs.25,000/- (twenty Five thousand) each with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Ara in connection with J.J.B. Case No.1338 of 2018 arising out of Pawna P.S. Case No.10 of 2018, subject to condition that the mother of the petitioner shall furnish an undertaking that she will abide by her undertaking and would protect the petitioner from falling in bad company. The petitioner is placed under the supervision of the Probation Officer.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

