

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1039 of 2019

Arising Out of PS. Case No.-148 Year-2018 Thana- BARAULI District- Gopalganj

AMIT KUMAR SINGH Son of Jagat Singh under the guardianship of mother Umaravati Devi Resident of Village- Taya Dumri, Police Satation- Jamo Bazar, District- Siwan (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate

For the Respondent/s : Mr. Anuj Kumar Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 15-06-2020 This petition is directed against the judgement of the learned Sessions Judge, Gopalganj in Cr. Appeal No. 55 of 2019, dated 28.06.2019, whereby the prayer made on behalf of the juvenile / petitioner for setting aside the order of the Juvenile Justice Board, refusing to release the juvenile/petitioner from the Remand Home, has been rejected.

It appears from the records that the petitioner was made accused in a case *vide* Barauli P. S. Case No. 148 of 2018 dated 23.06.2018 which was instituted for the offences under Sections 341, 323, 307, 379 and 34 of the Indian Penal Code.



The petitioner and his associate were trying to commit burglary in the house of the informant at the time when many persons had assembled in the house for solemnization of a marriage in the family. When the petitioner and his associate were confronted, the petitioner is said to have given a knife blow to one Piyush Kumar Singh, causing injuries in his stomach.

It has been submitted on behalf of the petitioner that he is a juvenile and his age has been assessed by the Juvenile Justice Board as less than 16 years on the date of the occurrence. There is nothing on record to indicate that his release from the Remand Home would further endanger the chances of the petitioner being included in the mainstream of the society or of his falling in a bad company and his getting back to recidivism. The appellate order indicates that the order of the Juvenile Justice Board has been upheld but no grounds for the same have been given whatsoever in the appellate order.

For the aforesaid reason, the appellate order dated 28.06.2019 is set aside and the juvenile / petitioner is



directed to be released on bail on his mother furnishing bail bonds on his behalf in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Principal Magistrate, Juvenile Justice Board, Gopalganj in connection with J. E. No. 37 of 2019, arising out of Barauli P. S. Case No. 148 of 2018.

One of the bailor shall be the mother of the juvenile/petitioner and the other bailor also shall be a close relative.

At the time of the release, the mother of the juvenile/petitioner would be under an obligation to give a personal affidavit that she shall look after the well being of the juvenile and in case she finds that he is not responding to the good counsel of the family members, the matter shall be reported forthwith to the Juvenile Justice Board.

The Revision Petition is allowed and disposed off accordingly.

(Ashutosh Kumar, J)

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