

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1133 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- KUTUMBA District- Aurangabad

Ashutosh Kumar @ Mantu Kumar @ Mantu, Son of Sanjay Singh @ Sanjay Kumar Singh, Resident of Village- Balia, Police Station- Amba, District- Aurangabad, under guardianship of Sanjay Singh @ Sanjay kumar Singh the Father of the petitioner and guardian.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Bindhyachal Singh, Advocate
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 03-02-2020 Learned counsel for the petitioner is permitted to make correction in the typographical error said to have occurred in paragraph 5 of the application in course of the day.

Let the certified copy of the social investigation report be kept on the record.

Heard learned counsel for the petitioner. No one appears on behalf of the State to oppose this application.

Petitioner in the present case is a juvenile declared by the Juvenile Justice Board. He is seeking quashing of the impugned judgment/order dated 14.06.2019 passed by the 1st Additional Session Judge-cum-Special Judge (POCSO),



Aurangabad in Cr.Appeal No.20 of 2019 (Arising out of Kutumba P.S. Case NO. 37 of 2019, corresponding to C.C. No. 05 of 2019) whereby the learned court below has dismissed the appeal and affirmed the order dated 16.04.2019 passed by the Juvenile Justice Board, Aurangabad in C.C. No.05 of 2019.

Learned counsel for the petitioner submits that according to the victim girl the boys came on a motorcycle from behind and they were hiding their face and after throwing acid upon her they fled away.

Learned counsel for the petitioner submits that prima-facie the statement of the victim girl saying that the three boys on the motorcycle came from behind, they had covered their face and then she has identified this petitioner along with others are not believable and the adult accused namely Ravi Kiran has been granted bail vide Cr.Misc. No. 39096 of 2019.

It is the submission of learned counsel for the petitioner that the Probationer Officer has submitted a social investigation report of this petitioner in which he has stated that this petitioner has done N.C.C. course and in the



society the people were of the view that he was maintaining good conduct and that he has no criminal antecedent. Under these circumstances, the submission of learned counsel for the petitioner is that the mandate of the Juvenile Justice Act to release a juvenile and allow him to re-unite with his family unless the conditions as stipulated in Section 18 are present to deny the privilege of bail to the juvenile, would come into play and this petitioner having already spent almost 11 months in the Observation Home/Place of Safety be released on bail.

This Court has gone through the social investigation report, certified copy of which has been produced by learned counsel for the petitioner. On a perusal of the said report it appears that the petitioner comes from a family which depends upon farming, he is a student of Class XII, the friends and the neighbours of the petitioner informed the Probation Officer that the conduct of the petitioner in the society is good and he was preparing for his induction in Army, he has also no criminal antecedent, keeping in view the report, this Court directs release of the petitioner on bail in connection with C.C. No. 05 of 2019



arising out of Kutumba P.S. Case No. 37 of 2019 on
furnishing of bail bond of Rs. 15,000/- (fifteen thousand)
with sureties of the father of the petitioner who shall also
furnish an undertaking in terms of his statement made in
paragraph 15 of the present application to the satisfaction of
learned Juvenile Justice Board, Aurangabad.

The impugned order is set aside. Application is
allowed.

(Rajeev Ranjan Prasad, J)

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