

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1342 of 2019

Arising Out of PS. Case No.-11 Year-2019 Thana- BHAGWAN BAZAR District- Saran

NIKET KUMAR @ ANIKET S/o Mithilesh Singh @ Mithilesh Kumar Singh
R/o village- Katra Nevaji Tola, P.S.- Revilganj, District- Saran at Chapra,
through Mithilesh Singh @ Mithilesh Kumar Singh, the natural guardian and
father of the petitioner

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Kumar Singh
For the Respondent/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 17-08-2020 Heard Mr. Ram Kumar Singh, learned counsel

for the juvenile/petitioner and Mr. Anuj Kumar

Srivastava for the State.

The petitioner was a juvenile at the time of the

occurrence pertaining to Bhagwan Bazar P.S. Case No.

11 of 2019, which was registered for the offences

punishable under Sections 25(1B), 26/35 of the Arms

Act.

One loaded country made pistol and one

cartridge was recovered from the possession of the

petitioner. The petitioner contends that he was only



carrying a Samsung mobile phone but for reasons unknown to him, such a recovery of firearm was shown from him.

Be that as it may, considering that at that time, he was a juvenile, he was sent to the observation home where he has spent his time since 11.01.2019. The Juvenile Justice Board as well as the Children Court have rejected his prayer for release from the observation home primarily on the ground that the juvenile has two other cases to his credit; one being a case of serious nature which is for section 302 of the Indian Penal Code and that the social investigation report of the petitioner is not encouraging. It was found by the Probation Officer that the petitioner has criminal proclivity and he shows disobedience every now and then.

After having gone through the orders passed by the Juvenile Justice Board as also of the Children Court, this Court gets an impression that the report of the Probation Officer has been accepted without any caveat.



The report does not indicate about any improvement in the behavior of the juvenile for about one and half years since when he is in the observation home. The Courts below ought to have taken note of the aforesaid fact.

The purpose of administration of the Juvenile Justice Act is to provide best opportunity to a juvenile to mend his ways and for his induction in the mainstream of the society.

If the petitioner has shown improvement in his behavioural pattern in the observation home, that ought to be taken note of or else it would be a failure of proper administration of the Juvenile Justice.

The learned counsel for the petitioner has intimated this Court that the juvenile displayed an exemplary behaviour in the observation home. He further submits that his father Mr. Mithilesh Singh @ Mithilesh Kumar Singh is ready to swear an affidavit and to give a personal bond that he shall take good care of the juvenile if he is released from the observation home.



Regarding being had to the aforesaid facts, this Court is inclined to direct for the release of the Juvenile from the observation home.

The orders passed by the Juvenile Justice Board, Saran at Chapra and of the Children Court, Saran at Chapra dated 05.08.2019 and 20.05.2019 respectively are set aside.

The juvenile is directed to be released from observation home on his father furnishing a bond in the sum of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Juvenile Justice Board, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 11 of 2019.

The Juvenile Justice Board shall ensure that at the time of releasing the juvenile from the observation home, the father of the juvenile files a personal affidavit that he shall take good care of his son and shall report the matter to the nearest Child Welfare Police Officer in case the juvenile shows any sign of recidivism and does



not respond to the directions/homilies of his father.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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