

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1323 of 2019

Arising Out of PS. Case No.-317 Year-2019 Thana- KHAJANCHI HAT District- Purnia

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ASHUTOSH CHAUDHARY @ ASHUTOSH KUMAR CHOUDHARY Son
of Pankaj Choudhary R/o - Line Basti Tatma Toli, Ward No. 24, P.S.- K. Hat
(Maranga), District - Purnea under the guardianship of Pankaj Choudhary,
aged about 50 years (male) Son of Late Shankar Chaudhary R/o - Line Basti
Tatma Toli, Ward No. 24, P.S.- K. Hat (Maranga), District - Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Advocate.

For the Respondent/s : Mr.Binod Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

3 26-08-2020 This matter has been taken up through Video
Conferencing.

Heard the parties.

This revision application under Section 102 of the
Juvenile Justice (Care and Protection of Children) Act, 2015, is
against dismissal of the appeal by order dated 25.09.2019
passed in Cr. Appeal No. 29 of 2019 / CIS No. 29 of 2019
whereby the learned Lower Appellate Court refused to interfere
with the order of refusal of prayer for bail passed on 06.07.2019
by the Juvenile Justice Board, Purnea in G.R. No. 1413 of 2019



arising out of K. Hat (Maranga) P.S. Case No. 317 of 2019 registered under Section 392 of the Indian Penal Code against unknown.

Petitioner has got no criminal antecedent. The name of the petitioner surfaced in the confessional statement of the co-accused. He is in custody since 12.05.2019.

Learned Lower Appellate Court refused to interfere with the impugned order relying upon Social Investigation Report which factually stated that the petitioner is not carrying good company. There is no mention of the name and identity of the known criminals in whose association the petitioner is likely to go in the event of release. Hence learned Lower Appellate Court committed error of record in taking aid of proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 for refusing the prayer for bail.

Since both the Courts below have acted against the mandate and requirement of Juvenile Justice Act in the matter of consideration of prayer for bail of a juvenile, hence both the orders are set aside and this application is allowed.

Let the petitioner, above named, be released at once on execution of surety bond by either of the parents of the petitioner giving undertaking that he/she shall keep proper care



and upkeep of the petitioner and shall fully cooperate in the investigation/trial before the learned Juvenile Justice Board.

(Birendra Kumar, J)

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