

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1479 of 2019

Arising Out of PS. Case No.-195 Year-2019 Thana- MAJHAULIA District- West Champaran

Sk. Dilkhush @ Mohammad Dilkhush Son of Sk. Najir, Resident of Village - and P.O.- Bahuarwa, P.S.- Majholia, Distt.- West Champaran. through Jaibun Khatun, mother and Natural Guardian, female, aged about 50 years, resident of village and PO- Bahuarwa, PS- Majholia, Dist- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr. Vikas Kumar Sharma, Advocate
For the Respondent/s : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 05-02-2020 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is a juvenile who is seeking his release from the observation home in connection with Majhulia P.S. Case No. 195 of 2019 dated 28.04.2019 registered for the offence alleged under Section 302/34 of the Indian Penal Code. His prayer for release has been earlier rejected by the learned Juvenile Justice Board and learned Additional District and Sessions Judge-VI, Bettiah, West Champaran by taking note of the submissions of the prosecution that if the petitioner is released from the observation home, given the kind of social circumstances in which he is there, there is a probability of his falling in the bad company.



Learned counsel for the petitioner submits that this petitioner is aged about 15 years and 2 months as assessed by the learned Board and in the present case the entire family members of the petitioner has been made accused save and except his mother by making general and omnibus kind of allegation. It is further submitted that Sheikh Amir who is said to be the assailant and had allegedly assaulted the husband of the informant with iron rod and farsa has been granted regular bail by a learned Co-ordinate Bench of this Court vide order dated 04.12.2019 passed in Cr. Misc. No. 74685 of 2019. The copy of the said order has been brought on record as Annexure 'P/4.

Learned counsel further submits that the petitioner has to appear in his matriculation examination which is scheduled to be held from 17.02.2020, in this regard a copy of the Admit Card of the petitioner has been brought as Annexure 'P/6'. Learned counsel submits that he has instruction to say that if the petitioner is released from the observation home, his mother would take care of him and she will ensure that she lives with this petitioner at Motihari in order to continue the study of the petitioner and shall ensure that the petitioner does not fall in any bad company.



Learned A.P.P. for the State is present and though he has pointed out to this Court the observations of the Juvenile Justice Board with regard to the social condition of the petitioner, in view of the submissions noted hereinabove, he has been able to appreciate that the petitioner has to appear in the matriculation examination and one of the co-accused has already been granted bail by a learned Co-ordinate Bench of this Court.

Considering the facts and circumstances of the case, the fact that the petitioner is a juvenile, there are general and omnibus kind of allegation and the co-accused Sheikh Amir has been granted bail by a learned Co-ordinate Bench of this Court after noticing the delay in lodging of the FIR and that the accusation not being corroborated by the medical opinion and further that the petitioner has to appear in the matriculation examination and his mother has been giving an undertaking that she would keep the petitioner with her at Motihari and shall ensure his study there, this Court directs release of the petitioner from the observation home on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Juvenile Justice Board, West Champaran, Bettiah in Juvenile Justice Board Case No. 496 of



2019 arising out of Majhaulia P.S. Case No. 195 of 2019 and the mother of the petitioner shall be one of the sureties who will give an undertaking that she would keep the petitioner at Motihari and shall ensure his study over there and would not allow him to fall in bad company.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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