

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL REVISION No.207 of 2022**

Arising Out of PS. Case No.-575 Year-2019 Thana- KANTI District- Muzaffarpur

Shashank Raj @ Jonson @ Jonson Maurya S/O Laxman Bhagat R/o Mohalla-
Krishna Toli, Brahmpura, P.S.- Brahmpura, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Manoj, Adv.

For the Respondent/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 23-09-2022 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking setting aside of the order dated 16.12.2021 passed by the learned Additional District and Sessions Judge-I, Muzaffarpur in Cr.Appeal No.5 of 2021 and to enlarge the petitioner on bail in connection with Kanti P.S. Case No.575 of 2019 lodged under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has been adjudged juvenile aged about 17 years 13 days on the alleged date of occurrence. It is further submitted that the petitioner is not named in the FIR. His name has transpired in the confessional statement recorded by police after one month of the alleged occurrence. No incriminating article or material has been recovered from his possession.



Learned counsel further submits that on 28.05.2019 some police personnel together with others entered in the midnight in the house of mother of this petitioner and while arresting him, forcibly took away the mobile phone of his mother and harassed the female members of the family for which a Complaint Case No. 1558 of 2019 has been filed by her which is pending for enquiry. It is submitted that after the said occurrence, the petitioner had been named in 5 other cases. It is submitted that the petitioner has got altogether 10 criminal antecedents.

Learned APP for the State submits that on perusal of the social investigation report, it appears that the mother of this petitioner has performed two marriages and she is presently living with her present husband. This petitioner has fallen in bad company and the neighbours have reported lack of discipline and his indulgence in bad habits. It is further pointed out that the petitioner got in touch with some persons having bad antecedents and thereafter he was also getting involved in the commission of crimes. It is, thus, submitted that at this stage, the release of the petitioner would not be in his best interest.

This Court had called for a report from the learned Juvenile Justice Board as regards the present stage of the case. The report as contained in letter no. 2596 dated 06.09.2022 received from the Juvenile Justice Board would show that the accusation



was explained to the child in conflict with law on 22.06.2022 and thereafter the Board has issued summons to the witnesses for the prosecution but no witness has been produced.

In the aforesaid view of the matter, considering the social investigation report and that the case is pending at the stage of inquiry before the learned Juvenile Justice Board and the witnesses have been summoned to depose, for the present this Court is not inclined to release the petitioner on bail.

Let the learned Juvenile Justice Board conclude the inquiry and proceed in accordance with law within a period of 4 months from the date of communication of this order. If the Board fails to conclude the inquiry due to failure of the prosecution in producing witnesses and for no reason attributable to the petitioner, the petitioner shall file an application for his release on bail which will be considered by the Board without being prejudiced by this order and on the basis of the materials available on the record. An appropriate order shall be passed within a period of 30 days from the date of filing of such application.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

