

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.719 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. KUNDAN KUMAR S/o Bal Kanhaiya Mahto, Under the guardianship of his father namely BalKanhaiya Mahto Resident of village- Sikandarpur, P.S.- G.B. Nagar, District- Siwan
 2. DEEPAK KUMAR S/o Krishna Mahto, Under the guardianship of his mother namely Leelavati Devi W/o Krishna Mahto Resident of village- Sikandarpur, P.S.- G.B. Nagar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad, ADV
For the Respondent/s : Mr.Shyam Kr Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-02-2023 Heard the counsel for the petitioners and the State.

The juvenile/petitioners are in remand home since 24.4.2022 in connection with GB Nagar Police Station Case No. 109 of 2022 instituted for the offences under Sections 302, 201/34 of the Indian Penal Code. On the date of the occurrence, petitioner no.1 was assessed to be about 14 years and 3 months old, whereas petitioner no.2 was assessed to be 16 years and 5 months old.

Their prayer for being released from the remand home has been rejected by the Juvenile Justice Board as also



by the appellate court for the reason that the report of the Probation Officer reflects that the juvenile/petitioners are in association with known criminals of the locality and there is moral, physical and psychological danger to them if they are released on bail. However, the Social Investigation Report appears to be vague and based on conjecture and surmises. No evidence has been disclosed as to how he came to the conclusion that there is moral, physical and psychological threat to the petitioners if they are released from jail. Petitioners are in observation home since 24.4.2022 and claim clean antecedent.

For the reasons aforesaid, the orders passed by the Juvenile Justice Board and also the appellate order respectively dated 13.9.2022 and 15.7.2022 are set aside. The juvenile/petitioners above named are directed to be released from the remand home, subject to his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board cum Children Court, Siwan in GB Nagar Police Station Case No.109 of 2022, JE Tr No. 290 of 2022, subject to the condition that one of the bailors shall be his mother and at the time of filing her bond, she would also file an



undertaking that she shall keep the juvenile under proper care
and supervision.

The revision application is allowed.

(Prabhat Kumar Singh, J)

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