

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.16 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- CHHATAUNI District- East Champaran

TARUN KUMAR Son of Vijay Pandey Through his legal guardian/ father
namely Vijay Pandey, Son of Ram Nandan Pandey, Resident of Mohalla -
Raja Bazar, P.S.- Motihari Town, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... Respondent

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Respondent/s : Mr.Binod Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-02-2023

Heard the counsel for the petitioner and the State.

The juvenile/petitioner is in remand home since 9.3.2022 in connection with Chhatauni Police Station Case No. 137 of 2022 instituted for the offences punishable under Sections 302,120B/379/34 of the Indian Penal Code. Petitioner, on the date of the occurrence, were aged about 14 years and 3 months and 16 years 11 months and 14 days.

His 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/petitioner is in association with known criminals of the locality and there is moral, physical and psychological danger to them if he is released on bail. However, the Social Investigation Report appears to be vague and based on conjecture and surmises. No material has been disclosed as to how he came to the conclusion that there is moral, physical and psychological threat to the petitioner if he is released from jail. Petitioner claims clean antecedent.



For the reasons aforesaid, the orders passed by the Juvenile Justice Board and also the appellate order respectively dated 29.9.2022 and 19.11.2022 are set aside. The juvenile/petitioner, above named, is directed to be released from the remand home, subject to his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Juvenile Justice Board, Motihari, East Champaran in JJB Trial No.1256 of 2022, Chhatauni Police Station Case No. 137 of 2022, subject to the condition that one of the bailors shall be his father and at the time of filing his bond, he would also file an undertaking that he shall keep the juvenile under proper care and supervision.

The revision application is allowed.

(Prabhat Kumar Singh, J)

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