

Anil Kumar Mehta vs The State Of Bihar on 16 August, 2017

Author: Arun Kumar

Bench: Arun Kumar

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.552 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- AURANGABAD

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Anil Kumar Mehta @ Anil Kumar, Son of Bhimsen Mehta, Resident of Village
Chilhki More, Amba, P.S. Kutumba, District Aurangabad under the Guardianship
of his father.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Birendra Kr. Singh, Advocate
Mr. Vijay Kumar, Advocate
For the State : Mr. Yogendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL JUDGMENT

Date: 16-08-2017 Heard learned counsel for the parties.

2. The petitioner in this criminal revision application challenges order dated 01.04.2017, passed by learned Sessions Judge, Aurangabad in Criminal Appeal No.05 of 2017 whereby the learned Sessions Judge, Aurangabad affirmed the order dated 16.12.2016, passed by Juvenile Justice Board, Aurangabad and declined to release the petitioner on bail.

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case and he has remained in custody for more than a year and the petitioner should be given a chance to get himself reformed.

4. Learned counsel for the State submits that there is no illegality in the impugned order. The petitioner has got three serious 2 Patna High Court CR. REV. No.552 of 2017 dt.16-08-2017 criminal antecedents as he is an accused in three cases lodged under Sections 393 and 302 of the Indian Penal Code as well as Section 27 of the Arms Act, 394 and 302 of the Indian Penal Code and Sections 394 and 302 of the Indian Penal Code and the present one is the fourth case under the Arms Act.

5. Having considered rival submissions and on perusal of records, it is apparent that this petitioner is accused in three other cases also except the present one that too of serious nature of committing robbery and murder. The Juvenile Justice Board, Aurangabad rejected the prayer of bail on the

ground that he is likely to go in association of criminals and his release may put him in physical danger. In view of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the grant of bail is a general rule and rejection is exception but there are three conditions when it is not prudent to release the juvenile on bail. First that if his release is likely to bring him into association with any known criminal, secondly, it exposes the said person to moral, physical or psychological danger and thirdly, his release would defeat the ends of justice and the Board is required to record the reasons for denial of bail. In the present case the denial is made considering three serious criminal antecedents of the petitioner so there is likelihood to go in association with known criminals and his release would put him in 3 Patna High Court CR. REV. No.552 of 2017 dt.16-08-2017 physical and moral danger. Moreover, as submitted by learned counsel for the petitioner, he is above 17 years of age so the learned Sessions Judge, Aurangabad has rightly denied the bail to the juvenile petitioner so finding no merit this revision application stands dismissed and the prayer of bail of the petitioner is refused in connection with Amba P.S. Case No.38 of 2016, pending before the Juvenile Justice Board, Aurangabad.

(Arun Kumar, J.) S.Kumar/-

AFR/NAFR NAFR
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