

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.213 of 2017

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1. Rishiraj @ Dibal, S/o Satyendra Raj, Resident of- Sono, P.S.- Sono,
District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr. Adv.
Mr. Praveen Kumar

For the State : Mr. Pawan Kumar Chaurasiya

For the Informant : Mr. Pankaj Kumar Sinha

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

2 10-03-2017 Heard learned Senior Counsel appearing on
behalf of the petitioner and learned Additional Public
Prosecutor representing the State. Also heard learned
Counsel for the informant

This revision application has been filed under
Section 102 Juvenile Justice (Care and Protection of
Children) Act, 2015, against an order, dated 06.02.2017,
passed by learned Additional Sessions judge I, Jamui,
whereby he has rejected regular bail application filed by
the petitioner. The petitioner has claimed to be a juvenile
and his age determination enquiry is said to be still
pending before the Juvenile Justice Board, Jamui.

However, the order, which is impugned in the
present proceeding, has apparently been passed under



provisions of Section 439/440 of the Code of Criminal Procedure, 1973, and not under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Section 102 Juvenile Justice (Care and Protection of Children) Act, 2015, empowers the High Court to exercise revisional power, which reads thus:-

"102. The High Court may, at any time, either on its own motion or on an application received in this behalf, call for the record of any proceeding in which any Committee or Board or Children's Court, or Court has passed an order, for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit:

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard."

Since the order, which has been passed, is not an order under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015, in my view this revision application cannot be maintained and is accordingly dismissed as not maintainable.

The petitioner shall be at liberty to file



appropriate application/petition under relevant provisions
of law for his release on bail.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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