

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.211 of 2017

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1. Sumit Kumar, S/o Ashok Singh @ Ashok Rai, Resident of Village- Matihani, P.S.- Matiharni, District- Begusarai, under the natural Guardianship of his father's namely Ashok Sing @ Ashok Rai, S/o Late Shivrath Singh, Resident of Village- Matihani, P.S.- Matihani, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh

For the Respondent/s : Mr. Sri Satyendra Prasad. APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 10-07-2017

Heard learned Counsel for the parties.

The petitioner is an accused of offence punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code. He has been declared to be a juvenile. The Juvenile Justice Board, having found the offence to be heinous has conducted a preliminary assessment as regards his mental and physis capacity to commit the offence alleged and ability to understand the consequences of the offences and the circumstance in which he is said to have committed the offence. After having done so, the Juvenile Justice Board has transferred the case to the Court of Children Court having jurisdiction to try offence as an adult.

In the present case, the petitioner is aggrieved by



an order passed by the learned Sessions Judge, Begusarai, whereby an order passed by the Juvenile Justice Board, rejecting his prayer for relief has been affirmed.

Learned counsel appearing on behalf of the petitioner has submitted that admittedly the petitioner was juvenile as on the date of the occurrence and he has already remained in custody/Observation Home for more than 13 months and, therefore, no purpose would be served if the petitioner is allowed to remain in Observation Home/Custody any more. He has challenged the impugned order on the ground that the finding that there is chance of the petitioner mixing up with the criminals is baseless and imaginary.

I have perused the impugned order and the order passed by the Juvenile Justice Board as well, rejecting petitioner's application for bail.

I do not find any such error in the orders requiring interference in revisional jurisdiction.

However, considering the submissions advanced on behalf of the petitioner that he has already spent more than 13 months in custody/Observation Home; I direct the Court below (Children Court), Begusarai to conclude the trial within a period of four months from the date of receipt/production of a copy of this order.

If the trial is not concluded within the aforesaid



period of four months, the petitioner may renew his prayer for his release on bail before appropriate forum in accordance with law.

This application stands disposed of with the observation and direction, as above.

(Chakradhari Sharan Singh, J)

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