

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2574 of 2017

Arising Out of PS.Case No. -383 Year- 2017 Thana -KHAGARIA District- KHAGARIA

=====

Raushan Kumar @ Raushan Raj Son of Rakesh Kumar, R/o Mohalla-
Baluahi, P.S.- Khagaria, District- Khagaria.

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

=====

Appearance:

For the Appellant/s : Mr. Viveka Nandsingh, Adv.

For the Respondent/s : Mr. Sri Sujit Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 10-10-2017 Heard learned counsel for the appellant as well as
learned Additional Public Prosecutor.

Gone through the order impugned. Although prayer
for bail of appellant has been rejected by the Children Court
however, from the order impugned, it is evident that inquiry to be
conducted by the Children Court in terms of Section 19(1) of the
Juvenile Justice (Care and Protection) Act, 2015 has not been
taken up which is found clearly distinguishable under two parts
sub-clause (i) as well as (ii).

That being so, appeal is disposed of directing the
learned lower court to decide the issue in terms 19(1) of the Act at
first instance whereupon, applicability of Section 12 of the Act as



well as Section 439 of the Cr.P.C. would be perceived while entertaining the prayer of the appellant.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

U		T	
---	--	---	--

