

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.783 of 2016

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Rohit Kumar @ Alok Raj, S/o Dashrath Chowhan, R/o Ranipur,
P.S. Pulwarishrif, District – Patna, under the guardianship of his
mother, Muni Devi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kritu Verma, Adv.

For the Opposite Party :

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

ORAL JUDGMENT & ORDER

Date: 06-07-2017

The petitioner has been declared juvenile. He is
an accused in G.R.P. Patna P.S. Case No. 359 of 2015,
registered for the offence punishable under Sections 392
and 304/34 of the Indian Penal Code (*hereinafter referred
to as the "IPC"*). He was taken into custody on
28.12.2015.

2. It seems that the petitioner was declared a



juvenile in April, 2016. He is still in observation home. His prayer for grant of bail was rejected on 16.05.2016, by an order passed by the Juvenile Justice Board, Patna (*hereinafter referred to as the "Board"*). His appeal, preferred for his release on bail, came to be rejected by the judgment and order, dated 21.06.2016, passed in Cr. Appeal No. 72 of 2016, by the learned 1st Addl. Sessions Judge, Patna.

3. Accordingly, the petitioner has approached this Court in revisional jurisdiction against the order of the appellate Court and seeks his release on bail.

4. The Court became curious about the stage of enquiry, envisaged under Section 14 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (*hereinafter referred to as the "Act"*), after noticing the fact that the petitioner is in custody/observation home since 28.12.2015. I, accordingly, asked the Board, by an order, dated 10.01.2017, to submit a report as regards present status of enquiry under Section 14 of the Act. The report was submitted thereafter from which it appeared that the case was pending awaiting case diary and the charge-sheet. I became further curious as to why these documents could not be made available to the Board and when I was informed by learned Additional Public



Prosecutor, appearing on behalf of the State, that the charge-sheet had already been submitted way back on 04.03.2016. I, therefore, *vide* an order, dated 07.02.2017, called for a report from the learned Chief Judicial Magistrate, Patna, as to why despite submission of charge-sheet on 04.03.2016 itself, the same could not be made available to the Board so far. Pursuant to the said order, the learned Chief Judicial Magistrate, Patna, has submitted a report along with a communication, dated 18.02.2017, made by learned Addl. Chief Judicial Magistrate, Railway, Patna, wherein, he has blamed the Investigating Officer of the case, who, in his opinion, had failed in performing his legal duty, in not providing the copy of the case diary to all the accused persons and according to him, the Office Clerk also failed to transmit the photocopy of the charge-sheet and case diary to the Board out of work load.

5. The report, which has been submitted by the learned Chief Judicial Magistrate, Patna, dated 18.02.2017 (Flag-C), based on communication made by learned Addl. Chief Judicial Magistrate, Railway, Patna, dated 18.02.2017, are disturbing. Whoever may be responsible for the lapses, the fact remains that no enquiry, under Section 14 of the Act, could proceed because of the lapse of the system.



6. Let the report, dated 18.02.2017, of learned Chief Judicial Magistrate, Patna along with the communication of the same date, written by learned Addl. Chief Judicial Magistrate, Railway, Patna (Flag-C), be placed before the Standing Committee. I have consciously refrained from commenting on conduct of any one, in my present order.

7. Learned counsel, appearing on behalf of the petitioner, while challenging the orders impugned, has submitted that the petitioner's implication is only on the basis of his confessional statement made before the police and since other co-accused persons with similar allegation have been released on bail, he also deserves to be released on bail and the orders impugned deserve to be set-aside.

8. As is evident from the above, the petitioner has been made accused in a case registered under Section 392 of the IPC. It has been found that he has criminal antecedent and it appears that he has fallen in association with criminals. In such circumstance, refusal by the courts below, to release him on bail, cannot be said to be unjustified. The orders impugned, accordingly, do not require interference by this Court.

9. This application is dismissed.

10. The Board is directed to expedite the



enquiry, contemplated under Section 14 of the Act, and complete it within a period of three (3) months from the date of receipt/production of a copy of this order. If such enquiry is not concluded within the aforesaid period, the petitioner shall be required to be released on bail by the Board, if any such application is made on his behalf.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
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