

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43997 of 2018

Arising Out of PS. Case No.-182 Year-2016 Thana- WARISLIGANJ District- Nawada

Amarjeet Kumar @ Amarjeet Verma S/o Surendra Prasad Verma @ Surendra Prasad, R/o Vill.- Chiraiyan, P.S.- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Sri Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-09-2018 This application has been filed seeking grant of regular bail on behalf of the petitioner, who is an accused of offences punishable under Sections 364, 365 to which Sections 302, 201, 120B of the Indian Penal Code have been subsequently added. The application arises out of Warsaliganj P.S. Case No. 182 of 2016.

The petitioner is a juvenile, whose case has been transferred to the Children's Court for trial which has given rise to Children Case No. 38 of 2017. By order dated 14.06.2017, passed by the Juvenile Justice Board, Nawada, after recording the finding that the petitioner had mental and physical capacity to commit the offence and he had ability to understand the consequences of the offence has referred the case to the trial court. In my view, this application filed under Sections 439 and



440 of the Code of Criminal Procedure for grant of regular bail, is not maintainable.

Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as 'the Act') is the only provision which deals with grant of bail to a person who is a juvenile. The order, which has been passed by learned Additional Sessions Judge, refusing to release the appellant on bail, is an order under the said Act.

The petitioner has remedy of appeal against order, passed by the Children's Court under Section 101(5) of the Act, which states that any person aggrieved by an order of Children's Court may file an appeal before the High Court in accordance with the procedure specified in the Code of Criminal Procedure, 1973.

This application is, accordingly, dismissed as not maintainable.

It goes without saying that the petitioner shall be at liberty to prefer an appeal for the said purpose, the certified copy of the documents filed by the petitioner, shall be returned by the registry on demand.

(Chakradhari Sharan Singh, J)

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