

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1178 of 2018

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1. Md. Arman @ Guddu, Son of Md. Isarail, Resident of Village- Kashmar,
P.S.- Sonepur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma

For the Respondent/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 29-10-2018

Heard the parties.

The present revision application has been preferred by the petitioner against the order, dated 28.08.2018, passed by the learned 1st Additional Sessions Judge, Saran at Chapra in Cr. (Juvenile) Appeal No. 41/2018, by which, he has affirmed the order of Juvenile Justice Board, Saran (hereinafter referred to as the “JJB”) dated 06.07.2018 passed J.J.B. – 1448/18, arising out of Sonepur P.S. Case No. 330 of 2018, by which, the prayer of the petitioner for grant of bail, was rejected.

Prosecution case in short is that minor daughter of the informant was lifted by co-accused Vijay Rai with the help of another co-accused, namely, Naushad Miya, who took her to Kharika Chowk and dropped her, from where, the petitioner took her at the house of one Akbar Miya and committed rape upon her.



Petitioner after his arrest claimed himself to be juvenile. Accordingly, his age was assessed and he was found to be aged about 14 years 10 months and 14 days. Thereafter, the petitioner moved before the JJB, Saran for grant of bail, which was rejected by the JJB, Saran vide order dated 06.07.2018 on the ground that the release of the petitioner would likely to bring in association with any known criminal or expose him to moral, physical or psychological danger and his release would also defeat the ends of justice.

Against the said order of JJB, Saran, petitioner moved before the Sessions Judge, Saran at Chapra by filing Cr. (Juvenile) Appeal No. 41/18, which was also dismissed by the learned 1st Additional Sessions Judge, Saran at Chapra vide order dated 28.08.2018.

Aggrieved by the above impugned judgment and impugned order, the petitioner has filed the present revision application.

Contention of learned counsel for the petitioner that there is no dispute that the petitioner is a child in conflict with law within the meaning of Section 2(13) of Juvenile Justice (Care and Protection of Children) Act, 2015. Learned counsel for the petitioner has submitted that in view of the mandate under Section



12 of the Act, a child in conflict with law, is entitled to be released on bail unless the ground(s) referred to in proviso to Section 12(1) of the Act, exists/exist and further the Social Investigation Report is also in favour of the petitioner. So far allegation part is concerned, it has been submitted by learned counsel for the petitioner that he has falsely been made accused in this case and there was love affair between the petitioner and the girl and petitioner has been in custody since 18.04.2018.

Learned counsel for the State on the other hand opposed the prayer of the petitioner and submitted that the offence is very heinous and the petitioner has also escaped the observation home.

Having heard both sides, considering the facts and circumstances of the case, nature of allegation as well as the conduct of the petitioner that earlier he had fled away from the observation home, I am not inclined to interfere with the impugned judgment and impugned order passed by the JJB, Saran as well as by the 1st Additional Sessions Judge, Saran at Chapra.

However, since the petitioner has been in custody since 18.04.2018, JJB, Saran is directed to expedite and conclude the trial of the petitioner within a period of six months and if the trial is not concluded within the aforesaid period, the petitioner



will be at liberty to renew his prayer for bail before the JJB, Saran itself, which will be considered by the JJB, Saran on the basis of Social Investigation Report available at that time.

With the above observation and direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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