

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1209 of 2018

Arising Out of PS. Case No.-409 Year-2018 Thana- SITAMARHI District- Sitamarhi

Aveesh Kumar @ Anish Singh @ Anish Kumar son of Mukesh Kumar Singh @ Mukesh Singh, resident of Pratap Nagar, Police Station and District- Sitamarhi through his natural guardian father namely Mukesh Kumar Siongh @ Mukesh Singh, son of Binda Prasad Singh.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh
For the Respondent/s : Mr.Sri Murlidhar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 10-12-2018 This revision application is directed against the Judgment dated 31.07.2018 passed in Cr.Appeal No.23/2018 / 11/2018 passed by the 1st Addl. Sessions Judge, Sitamarhi, by which he has confirmed the order dated 22.05.2018 passed by the learned Principal Magistrate, Juvenile Justice Board, Sitamarhi, in Sitamarhi P.S. Case No.409/18 , G.R.No.1612 of 2018 corresponding to J.J.B.No.1264/18 whereby and whereunder the learned Juvenile Justice Board has rejected the prayer for bail of the petitioner.

The prosecution case,, in short, is that on secret information that some miscreants were planning to commit crime the police party raided the house and on seeing them the miscreants including the petitioner started fleeing in course of



which the petitioner was apprehended by the police party and on search one country made loaded katta, one dagger, one glamour motorcycle and four mobiles were recovered from the house of the petitioner and other co-accused persons were also arrested from whose house four mobiles were recovered.

On the basis of the aforementioned self statement of the informant Sitamarhi P.S. Case No.409/18 was registered under Sections 399/402/412/413 of the Indian Penal Code and Sections 25 (1-b)a/26/35 of the Arms Act.

The petitioner was arrested and remanded in this case. The petitioner is accused in three other cases also. It further appears that after arrest the petitioner had filed an application for declaring him as juvenile before the Juvenile Justice Board which was numbered as J.J.B.No.1264 of 2018 and the Juvenile Justice Board in short 'J.J.B.' found him juvenile aged about 16 years, 05 months and 30 days and his prayer for bail was rejected by J.J.B. vide order dated 22.05.2018 passed in Sitamarhi P.S.Case No.409/18, J.J.B.Case No.1264/18 on the ground that the Social Investigation Report was available on the record and according to the social report, the effect of the association of bad society is the reason of the said offence. Therefore, the atmosphere outside the observation home is not



conducive for the petitioner as there is every possibility that the petitioner would fall in the association of criminals and would commit another offence and since the nature of offence is serious. Hence, if bail is granted to CCI it will expose him to moral, physical and psychological danger which would defeat the ends of justice. Against the aforesaid order passed in J.J.B. No.1264 of 2018; G.R.No.1612 of 2018 Cr.Appeal No.23/2018 / 11/2018 was filed for grant of bail which was also dismissed taking into consideration the criminal antecedent as mentioned in paras 89 and 93 of the case diary as well as the fact that there was more chance the appellant / child in conflict with law shall accompany with a criminal which would fail the spirit of the legislation.

Being aggrieved by the aforesaid order present application has been preferred on the ground that though the petitioner has been made accused also in three cases. Further more he is in custody since 20.04.2018 and the other similarly situated co-accused Abhishek Kumar has already been enlarged on bail vide order dated 22.05.2018 passed by J.J.B.. However, the learned J.J.B. as well as the learned appellate court has not considered the aforesaid order.

Heard the learned A.P.P. also.



Having heard both sides and in view of the facts and circumstances of the cases, as stated above, and the reasons given by the J.J.B. as well as criminal antecedent of the petitioner I find no illegality in the impugned order. As such, this revision application is dismissed. However, considering the period of incarceration of the petitioner J.J.B. is directed to expedite the trial and conclude it within six months and , if the trial is not concluded within the stipulated period, the petitioner will be at liberty to renew his prayer for bail.

(Vinod Kumar Sinha, J)

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