

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.344 of 2018

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1. Saroj Kumar S/o Janardan Yadav, R/o Village-Shripur Dakhinbari Dih
Tola, Ward no. 11, P.S.+District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Prasad Singh, Sr. Adv.
Mr. Suraj Nr. Yadav, Adv.

For the Respondent/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 16-05-2018

The petitioner seeks his release from the remand home/jail, where he has been lodged since 27.05.2017 in connection with Madhepura P.S. Case No. 309/2017 dated 22.05.2017 instituted for the offence under Section 376 of the Indian Penal Code and Section 4 of the POCSO Act, 2012.

The allegation against the petitioner is of having committed rape on a 8 years old girl.

The petitioner was produced before the POCSO Court which assessed that the petitioner was a juvenile and therefore referred the matter to the Juvenile Justice Board for assessment of the petitioner in terms of Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015. This was necessitated because the offence of Section 376 of the Indian



Penal Code falls within the category of offences which are included in Section 2 (33) of the Juvenile Justice (Care and Protection of Children) Act, 2015.

The Juvenile Justice Board, after assessing the case of the petitioner, found that the petitioner/juvenile ought to be treated and tried as an adult and therefore, transferred the case to the court of Special Judge, Children Act, Madhepura. The case was registered as Children Case No. 1/2018.

Considering the nature of accusation against the petitioner and the fact that on the day of occurrence, the petitioner was at more than 16 years, this Court is not inclined to release the juvenile/petitioner from the remand home.

In case, there is any evidence of the reformation of the juvenile petitioner, he may renew his prayer for being released and the Child Court, in that event, shall pass orders in accordance with law.

With the aforesaid observation, the revision petition is dismissed.

(Ashutosh Kumar, J.)

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