

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.395 of 2018

Arising Out of PS. Case No.-421 Year-2017 Thana- SIWAN CITY District- Siwan

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Deepu Singh @ Ankit Singh @ Deepu Kumar @ Deepu Kumar Singh @
Ankit Kumar @ Ankit Kumar Singh through his father and legal guardina
Dhiraj Singh, son of Bindeshwari Prasad Singh, resident of Village –
Matihani Nain, P.S. - Miraganj, District – Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vikas Kumar

For the Respondent/s : Mr. Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 18-06-2018 Though the petitioner was declared a juvenile but his age was assessed to be more than 16 years and less than 18 years. He has been made accused in connection with Siwan (Town) P.S. Case No. 421 of 2017 which has been registered under Sections 364 and 302 of the Indian Penal Code. Though, the juvenile-petitioner has not been named in the F.I.R. but his complicity could be discerned during the course of investigation.

Be that as it may, learned counsel for the petitioner has drawn the attention of this Court to the fact that the Juvenile Justice Board, while dealing with the application filed on behalf of the juvenile-petitioner for his release from the remand home, considered the case in the light of Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and did not



accord the benefit to the juvenile-petitioner.

But what has really aggrieved the petitioner is the appellate order whereby the appellate court viz. Ist, Additional Sessions Judge, Siwan vide his order dated 25.01.2018 has found the case to be not maintainable.

Mr. P.K. Shahi, learned Senior advocate has stated that certain documents were not furnished along with the memo of appeal in the first instance, which were later furnished, which fact would be evident from the impugned appellate order. Despite that, the appellate court had held that the appeal is not maintainable.

This is not the correct position of the facts.

The appellate order dated 25.01.2018 is therefore set aside.

The matter is remanded to the appellate court for considering the case afresh and for passing a reasoned order in accordance with law within a period of four weeks from the receipt/production of a copy of this order.

With the aforesaid observation, this petition is disposed of.

(Ashutosh Kumar, J)

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