

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Revision No.356 of 2018**

Arising Out of PS. Case No.-35 Year-2016 Thana- BAJPATTI District- Sitamarhi

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Baueji Rai @ Shyam Sundar @ Shyam Sundar Kumar (Minor), S/o-  
Raghubeer Rai, Under the guardianship of Sunil Kumar (Uncle) resident of  
Village- Balbhisba, P.S. Bajpatti, District Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Mr. Sri Rajkishore Singh

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

4      26-07-2018                      Heard learned counsel for the petitioner and the  
State.

The petitioner is a juvenile who seeks his release from remand home where he has been lodged in connection with Bajpatti P. S. Case No. 35 of 2016 dated 10.03.2016 instituted for the offences under Sections 366 / 366 (A) / 376 of the I.P.C.

The Juvenile Justice Board assessed the age of the petitioner as 16 ½ years and taking into account that he has been made accused for the offences which are heinous in terms of Section 2 (33) of the Juvenile Justice (Care and Protection) Act, 2016, assessed the case of the petitioner in terms of Section 15 of the Act thereto and thought it appropriate to send the case for trial before the Child Court.



The prayer for release from the remand home, obviously, was rejected by the Juvenile Justice Board.

The learned Child Court vide order dated 15.02.2018 agreed with the reasons given by the Juvenile Justice Board for not releasing the petitioner from the remand home.

Considering the nature of accusation against the petitioner and the manner in which the offence was executed, this Court is of the view that the petitioner is required to be kept under watch in the remand home. It would be absolutely unsafe to release him from the remand home.

For such facts, this Court is of the view that no interference is required with the order of the Child Court.

The petition is, therefore, dismissed.

However, since it has been submitted on behalf of the petitioner that he is a student and he is in remand home for quite some time, this Court only directs the Child Court to try the offence and conclude the proceeding as early as possible.

**(Ashutosh Kumar, J)**

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