

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.726 of 2018

Arising Out of PS. Case No.-261 Year-2017 Thana- BARAULI District- Gopalganj

Asif Ali son of Saheb Hussain Resident of Village- Devapur, P.S. Barauli,
District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma
For the Respondent/s : Mr. Sri Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 03-12-2018 This revision application is directed against the judgment dated 26.5.2018 passed in Cr. Appeal No.24 of 2018 passed by the learned Sessions Judge, Gopalganj, whereby and whereunder the learned appellate court was pleased to uphold the order of the learned Juvenile Justice Board, Gopalganj dated 17.4.2018 in J.E.No.184 of 2017 arising out of Barauli P.S.Case No.261 of 2017 .

The prosecution case in short is that the police intercepted the motorcycle and two persons were arrested and from one Allauddin Ansari one loaded country made *Katta* was recovered and as such Barauli P.S.Case no.261 of 2017 for the offence under Section 414 of the IPC and Section 25(1-b) a, 26 and 35 of the Arms Act was lodged. It further appears that the petitioner moved before the Juvenile Justice Board claiming



himself to be juvenile for bail and his prayer for bail was rejected vide order dated 17.4.2018 passed in J.E.No.184 of 2017 against which the petitioner moved for bail in Criminal Appeal No.24 of 2018 and the learned Sessions Judge, Gopalganj after considering the materials dismissed the appeal vide order passed by the Juvenile Justice Board.

Being aggrieved by the same the present revision application has been filed. At the very outset it is submitted by the learned counsel of the the petitioner that the petitioner was declared juvenile vide order dated 19.9.2018 which he has annexed in the supplementary affidavit as annexure 3, however, it clearly appears that at the time of moving before the Juvenile Justice Board for bail the age of the petitioner was not determined and without considering the same and considering the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 the prayer for bail of the petitioner was rejected and the same has been affirmed by the learned appellate court in Criminal Appeal No.24 of 2018.

It is further submitted that another co-accused Allauddin Ansari whose age was earlier determined by the J.J.B. had been granted bail by a Co-ordinate Bench of this Court vide order dated 28.5.2018 passed in Cr. Rev. No.404 of



2018.

Heard learned APP.

Having had both dies and considering the record, in my opinion, if the petitioner files fresh application before the learned Juvenile Justice Board in the light of his being declared juvenile vide order dated 19.9.2018 and also on the ground that another co-accused from whose possession one *katta* has been recovered has been allowed bail by a Co-ordinate Bench of this Court as stated above and he has been granted bail. If such application is filed, the Learned Juvenile Justice Board shall consider the same and will pass appropriate order preferably within a period of one week.

With the aforesaid observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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