

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.958 of 2018

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1. Vikash Kumar Kushwaha S/o Subhash Kushwaha @ Suvash Kushwaha,
resident of Village- Medha, P.S.- Chainpur, District- Kaimur (Bhabhua)
under the guardianship of his grandfather Rajnath Singh.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar, Advocate

For the Respondent/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 01-10-2018

Heard the parties.

2. This revision application has been preferred against the judgment dated 12.07.2018 passed by learned Additional District & Sessions Judge –I, Kaimur (Bhabhua) in Criminal Appeal No. 34 of 2018, by which, he has confirmed the order of Juvenile Justice Board, Kaimur (Bhabhua), rejecting the prayer for bail of the petitioner.

3. Prosecution case is that the petitioner on the order of his mother and father, cut the neck of the grandson of the informant, namely, Sonu Kumar Chauhan, resulting his death.

4. Petitioner claimed to be juvenile and accordingly, his age was assessed and he was found to be juvenile 09.05.2018. It appears that the prayer for bail of the petitioner has been rejected by the Juvenile Justice Board, Kaimur (Bhabhua) vide order dated 07.06.2018 on the ground that release of the petitioner is likely to



expose him to physical, social and psychological danger and there is also likelihood, the petitioner after release may fall in association with criminals and the ends of justice would be defeated as per Section 12 of Juvenile Justice (Care and Protection of Children) Act, 2015.

5. Against the order of Juvenile Justice Board, Kaimur (Bhabhua), petitioner preferred Criminal Appeal 34/18 and the same was also dismissed by the Additional District & Sessions Judge –I, Kaimur (Bhabhua) on the ground that economical condition of the family of the petitioner is not good and there is likelihood of petitioner falling in association with criminal in absence of his proper care.

6. Being aggrieved by the order of Juvenile Justice Board, Kaimur (Bhabhua) as well as the judgment of Appellate Court, the revisionist – petitioner has preferred the instant revision application on the ground that the petitioner has been in custody 13.10.2017 and his parents is ready to look after him and protect him from falling in association of any known criminal.

7. Learned counsel appearing on behalf of State as well as learned counsel for the informant opposed the prayer for bail and submitted that there is direct and specific allegation against the petitioner of causing death of the grandson of the informant and the release of the petitioner for such a heinous crime would certainly defeat the ends of justice and further report of the



probation officer is also against the petitioner and, therefore, there is no infirmity in the order of Juvenile Justice Board, Kaimur (Bhabhua) as well as the Appellate Court.

8. Considering the facts and circumstances of the case and also the nature of accusation and also considering the report of Probation Officer, from which, it appears that there is likelihood of petitioner falling in association with criminals, if released on bail. As such, I find no infirmity in the impugned judgment dated 12.07.2018 passed by learned Additional District & Sessions Judge –I, Kaimur (Bhabhua) in Criminal Appeal No. 34 of 2018 and the same is hereby affirmed.

9. However, since the petitioner has been in custody for a year, the Trial Court is directed to expedite the trial and conclude the same as early as possible, preferably, within a period of one year.

10. Accordingly, this revision application stands dismissed.

(Vinod Kumar Sinha, J)

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