

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.10 of 2018

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Raja Kumar, son of Bhola Nath Chatarji @ Bhola Prasad,
resident of Village-Manpur, P.S.-Buniyadganj, Baidnath
Sahay Lane, P.S.-Buniyadganj, District-Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Respondent/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 10-04-2018 The petitioner is aggrieved by the order dated 13.04.2017 passed by the learned Additional District Judge-I-cum-Special Judge, Gaya in Juvenile Trial No. 02 of 2017 which arises out of Buniyadganj P.S. Case No. 28 of 2016 instituted for the offences under Sections 302, 394, 34 of the Indian Penal Code. Later, Section 396 I.P.C was also added.

The petitioner was less than eighteen years but more than sixteen years of age on the date of the occurrence.

While looting the government money, one person was shot dead. The name of the juvenile/petitioner transpired only on the confession of the some of the co-accused persons.

From the house of the juvenile/petitioner, only an amount of Rs. 20,000/- was recovered.

The learned Juvenile Justice Board, vide order dated



28.02.2017, assessed the case of the juvenile/petitioner under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and found that he needed to be tried as an adult as he displayed the mindset of an adult accused. While coming to this conclusion, the Juvenile Justice Board also took into account the gravity and the seriousness of the offence and that such offence was committed in conspiracy with other accused persons.

Consequently the case of the Juvenile/petitioner was sent to the Child Court viz. the Court of learned Additional District Judge-I-cum-Special Judge, Gaya.

The learned Trial Court/Child Court has gone through the entire materials and found that the conduct of the juvenile/petitioner indicated that he has close association with those persons who had committed the crime and he had also shared the booty. It was for this reason that the Trial Court was of the view that releasing him from remand home would not be conducive to his well being and that there is a lurking fear of his falling in bad company again.

Considering the aforesaid facts, this Court, for the present, is not inclined to differ with the order of the learned Trial Court/Child Court. The order need not be interfered with at this stage.

However, if the juvenile/petitioner displays good



conduct in the remand home and it further appears to the Child Court that the trial of the case would take longer time then the Child Court may again, on the request of the juvenile, after assessing the circumstances/situation, may take a re-look at the matter.

With the aforesaid observation, the present revision petition is disposed of.

(Ashutosh Kumar, J)

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