

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.3561 of 2017

Arising Out of PS.Case No. -65 Year- 2016 Thana -EKANGARSARAI District- NALANDA
 (BIHARSHARIFF)

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1. Niranjan Prasad, S/o Sri Dular Chand Sao, R/o Village & P.O. Ekangarsarai, P.S.- Ekangarsarai, District- Nalanda.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Ranjan-Advocate
 For the State : Mr. Shyed Ashfaque Ahmad-A.P.P.
 For the Respondent : Mr. Ajay Kumar Thakur-Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

07 09-05-2018 Counter affidavit has been filed on behalf of respondent no.2, taken on the record.

Heard learned counsel for the appellant as well as learned Additional Public Prosecutor.

L. C. Record relating to the Children's Court has been received and gone through. After perusal of the same, it is apparent that learned lower Court dealt with the matter akin to crash programme.

The same is visualizing from the relevant order sheet. At an earlier occasion, while considering the prayer for bail vide order dated 27.04.2017, the learned lower Court had referred the report submitted by the Probation Officer that petitioner/



delinquent Ashish Ranjan Kumar is needed to intensive counselling pertaining to Moral Education and Training and while rejecting the prayer, gave direction to the Superintendent, Remand Home, Patna to provide intensive counselling through Psychologist and to provide Moral Ethical Educational Training in his strict care and caution. The subsequent order sheet reflected the activity of a Children Court. The prayer for bail has been renewed. Prayer made at an earlier vide petition dated 03.06.2017 and the same was heard on 15.06.2017, order was reserved and then, on 29.06.2017, the learned lower Court under the garb of decision in *Ajit Paswan vs. State of Bihar reported in 2016 (3) P.C.C.R. 130*, allowed the prayer of the respondent no.2, during course thereof, report dated 31.05.2017 annexed with the clinical psychologist report dated 30.05.2017 had also been taken into consideration. From the order sheet, it is not distinguishable on which date, the order dated 27.04.2017 was communicated, but authority concerned were so intelligent and sincere in compliance. It is not known whether with regard to other delinquent such kind of activity has also been perceived by the learned Children Court or not. The delinquent was given booster dose whereunder he became good Samaritan for the society. It is also apparent from the order sheet that instead of indulgence by the learned lower



Court in terms of Section 19(1) of the Juvenile Justice Act, allowed the proceeding to remain stale for such long period and even, while being sent to the High Court, no development has been taken at the end of the learned lower Court. This happens to be pertinent question to be decided as Sub-section-(1) of Section 19 of the Act bifurcate action of Court in two parts, which, if minutely taken into consideration has impact upon Section 12 of the Act.

In the aforesaid facts and circumstances of the case, the order dated 29.06.2017 is found not persuasive, whereupon is set aside. Appeal is allowed. The matter is remitted back to the learned lower Court to proceed afresh in accordance with Section 19(1) of the Juvenile Justice Act and further, restrained itself in administering booster dose and if so, it should be equally administered to all the delinquents being prosecuted under him.

(Aditya Kumar Trivedi, J)

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