

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1195 of 2017

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Rohit Kumar @ Jittu, Son of Rakesh Kumar Sharma,
resident of Village- Hati, Police Station- Kako in the district
of Jehanabad, presently residing in Mohalla- Shri Krishna
Vihar Colony, Beur, Police Station Beur in the district of
Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Respondent/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 06-08-2018 The petitioner is aggrieved by the order dated
11.09.2017 passed by the learned 1st Additional Sessions
Judge, Patna in Special Case No. 99 of 2017, arising out of
Beur P.S. Case No. 241 of 2016 instituted for the offences
under Sections 302/120B/34 of the Indian Penal Code and
Section 27 of the Arms Act, whereby the prayer made on
behalf of the petitioner for being released from the remand
home has been rejected.

The petitioner was made accused in connection with
the aforestated case with the allegation of killing the husband
of the informant along with five other accused persons. The
informant has claimed to be an eye witness to the occurrence
who identified the assailants including the petitioner.

The age of the petitioner was assessed to be less than
eighteen years but more than sixteen years. The learned



Juvenile Justice Board, Patna after assessing the case of the petitioner in terms of Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 did not deem it expedient to release him from the remand home and sent the case to the Child Court for him to be tried for the aforesaid offences.

The order passed by the Appellate Court reflects that the petitioner is accused in another case under the Arms Act.

The learned counsel for the petitioner has however submitted that several witnesses who have been examined by the Police have not named the petitioner.

But considering the nature of accusation against the petitioner/juvenile and the fact that he was made accused at the time when he was almost on the verge of majority and the background facts, this Court is not inclined to direct for release of the petitioner from the remand home even though he is in custody since 13.10.2016.

The prayer made on behalf of the petitioner is therefore rejected. The petition is dismissed.

(Ashutosh Kumar, J)

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