

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.1057 of 2018

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1. Krishna Kumar Singh @ Krishna Kumar @ Creemchap S/o Sahdeo Singh, R/o vill.- Fatehpur, P.S.- Raghopur, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Respondent/s : Mr. Sri Kalyan Shankar

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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 order dated 24.07.2018 passed by learned Additional District & Sessions Judge –I, Vaishali at Hajipur in Raghopur P.S. Case No. 123/17, by which, the prayer for bail of the petitioner was rejected.

3. Prosecution case is that the petitioner used to take the younger son of informant aged about seven years to a secluded place on his bycycle after school hours and used to sexually exploit him and on being resisted by the boy, the petitioner used to beat him and also used to threaten him.

4. Petitioner claimed to be juvenile and accordingly, his age was assessed by the Juvenile Justice Board (in short “the JJB”) and he was found to be aged about 17 years 7 months and 20 days.



Thereafter, the petitioner prayed for grant of bail, which was rejected by the Juvenile Justice Board, Vaishali at Hajipur and thereafter by the Appellate Court, which has been challenged by the petitioner before this Court in Criminal Revisions No. 242/2018 and the same has been disposed of vide order dated 14.04.2018 with a direction to the Juvenile Justice Board, Vaishali at Hajipur to pass an order in terms of Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short “the Act”) and if the petitioner feels aggrieved by the order passed by the Juvenile Justice Board, he may avail his remedies, which are available to him as per law.

5. It appears that the Juvenile Justice Board, Vaishali at Hajipur made an enquiry under Section 15 of the Act and vide order dated 11.05.2018 has found the petitioner physically and mentally sound to understand the consequence of the offence and opined that the petitioner may be tried by the Children Court.

6. Thereafter, the petitioner moved before the Children Court for grant of bail, who vide order dated 24.07.2018 dismissed the prayer for bail of the petitioner on the ground that the allegation is very heinous and against the norms of society.

7. Being aggrieved, the petitioner has preferred the present revision application.



8. Contention of learned counsel for the petitioner is that there is no dispute that the petitioner is a child in conflict with law within the meaning of Section 2(13) of the Act, in view of the mandate under Section 12 of the Act, a child in conflict with law, is entitled to be released on bail unless the release of the petitioner will expose him to social, physical and psychological danger or he after release on bail might fall in association of any known criminal or the release would defeat the ends of justice and further there is also no report of Probation Officer, available on record and the prayer for bail of the petitioner has only been rejected on the ground that the allegation is very heinous.

9. Learned counsel for the State as well as learned counsel for the informant opposed the revision application and submitted that the court below has rightly observed that the petitioner is mentally and physically able to understand the consequence of the offence and he has committed a heinous crime with a minor boy aged about seven years and, therefore, he is not entitled for grant of bail.

10. Having heard both sides. The petitioner was found to be aged about 17 years 7 months and 20 days and the Juvenile Justice Board, Vaishali at Hajipur has found him mentally and physically capable of understanding the consequence of the



offence. Furthermore, the offence is punishable under Section 377 of the Indian Penal Code and any accused under this Section shall punished with imprisonment for life or with imprisonment of either description for a term, which may extend to ten years and shall also be liable to fine, moreover, the victim is minor. As such, considering the facts and circumstances of the case and the nature of accusation, I find no illegality in order dated 24.07.2018 passed by learned Additional District & Sessions Judge –I, Vaishali at Hajipur in Raghopur P.S. Case No. 123/17, the same is hereby affirmed.

11. However, since the petitioner has been in judicial custody, the Trial Court is directed to expedite the trial and try to conclude the trial as early as possible, preferably, within a year.

12. Accordingly, this revision application stands dismissed.

(Vinod Kumar Sinha, J)

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