

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.5 of 2020

Arising Out of PS. Case No.-50 Year-2019 Thana- DANDARI District- Begusarai

XXX

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Respondent/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Ram Sumiran Rai, learned counsel for the petitioner and Mr. Chandra Sen Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. Though the petitioner has given full description in the application, it would be inappropriate to disclose his identity in view of the statutory provisions prescribed under Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short ‘the Act of 2015’). He is being referred to in the cause title as XXX.

4. Registry while uploading the order on the website shall also ensure that the cause title is reflected in similar



manner.

5. This criminal revision application has been preferred under Section 102 of the Juvenile Justice (Care & Protection of Children) Act, 2015, against the judgment dated 11.11.2019 passed by the Sessions Judge, Begusarai, in Criminal Appeal No.115 of 2019, whereby the appeal was dismissed affirming the order dated 21.08.2019 passed by the Juvenile Justice Board, Begusarai, in JJB Case No.106 of 2019 arising out of Dandari P.S. Case No.50 of 2019 registered under Sections 394 and 307 of the Indian Penal Code and 27 of the Arms Act, refusing prayer for bail of the petitioner.

6. The petitioner is lodged in the Observation Home.

7. The Juvenile Justice Board, Begusarai, vide order dated 19.07.2019, declared the petitioner a juvenile in conflict with law by assessing his age as 15 years 8 months.

8. The allegation against the petitioner and others is of assault.

9. Learned counsel for the petitioner submitted that he is innocent and has been falsely implicated only by co-accused in his confessional statement. Learned counsel submitted that the petitioner has a bright career and is unnecessarily languishing in the Observation Home since



10.07.2019 in this false case.

10. Learned APP submitted that the petitioner being a juvenile, it is in his interest that he remains in the Observation Home, as his coming out would put him back in the company of criminals, as he has other criminal antecedents of serious nature. It was submitted that the petitioner is far safer and protected in the Observation Home and there are chances of his interest being damaged if he is allowed to come out and be exposed to such elements.

11. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the submission of the learned APP that, for the present, it is in the interest of the petitioner to remain in the protected atmosphere of the Observation Home.

12. Accordingly, the application stands dismissed.

13. However, let the enquiry before the Juvenile Justice Board be expedited.

(Ahsanuddin Amanullah, J)

J. Alam/-

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