

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20006 of 2020

Arising Out of PS. Case No.-758 Year-2019 Thana- FORBESGANJ District- Araria

1. Chhotu Kumar Son of Giranand Das @ Giro Das through his father (guardian) Giranand Das @ Giro Das aged about 50 years (Male), S/O - Zbasu Das, Resident of Village - Pokharbasti, P.S.- Forbesganj, District- Araria
2. Pankaj Kumar Son of Kartik Das, through his father (Guardian) Kartik Das, aged about 55 years (Male), Son of Achinlal Sas, Resident of Village - Mirganj, P.S.- Jogbani, District- Araria
3. Krishna @ Krishn Kumar Son of Khoku Das @ Shyamdeo Das, through his father (Guardian) Khoku Das @ Shyamdeo Das, aged about 48 years (Male), S/O- Fotay Das, Resident of Village - Mirganj, P.S.- Jogbani, District- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2020 The matter has been taken up through virtual Court proceeding.

The petitioners, being juvenile in conflict with law, have preferred the present application under Sections 439 & 440 of the Cr.P.C. in connection with Forbesganj P.S. Case No. 758 of 2019 registered for the offences punishable under Sections 302, 201, 354A/34 of the Indian Penal Code, 1860 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

It appears from the impugned order that the



petitioners were declared juvenile by Juvenile Justice Board, Araria after conducting an enquiry under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the 'Act') and subsequently, the case was transferred to the Children Court for its trial and vide order dated 06.02.2020, learned Additional Sessions Judge -cum- Special Judge, Araria rejected the prayer for bail of the petitioners and hence, the application filed by the petitioners under Sections 439 and 440 of the Cr.P.C. is not maintainable.

In the circumstances, learned counsel for the petitioners is permitted to convert the present application into an appeal under Section 101(5) of the Act by filing appropriate amendment application through e-mode. Thereafter, the office will make necessary correction in the file and list the converted appeal under heading 'For Admission'.

(Dinesh Kumar Singh, J)

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