

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19653 of 2020

Arising Out of PS. Case No.-188 Year-2018 Thana- RAXAUL District- East Champaran

BILLU KUMAR @ RAJ KUMAR GUPTA @ BILLU

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-06-2020 The matter has been taken up through virtual court proceeding.

The present criminal miscellaneous application, under Sections 439 and 440 of the Cr. P.C., has been preferred with a prayer for bail, since learned A.D.J.-I, Motihari-cum-Children's Court has rejected the prayer for bail of the petitioner.

The petitioner is accused in a case registered for the offences punishable under Sections 302, 201 and 120B/34 of the IPC in connection with Raxaul P.S. Case No. 188 of 2018.

The Juvenile Justice Board, East Champaran, Motihari, vide order dated 03.12.2019, passed in Juvenile Justice Case No. 1436 of 2018, declared the petitioner juvenile. Subsequently, the Juvenile Justice Board, East Champaran, Motihari, vide order dated 07.01.2020, after conducting



preliminary assessment under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as 'the Act'), came to a definite finding that the petitioner be tried as an adult and in exercise of power under Section 18(3) of the Act, transferred the case for trial to the Children's Court. Consequently, learned A.D.J.-I-cum-Children's Court, East Champaran, Motihari heard the bail application and vide order dated 24.02.2020, passed in Petition No. 07 of 2020, rejected the prayer for bail.

In the circumstances, the present application under Sections 439 and 440 of the Cr. P.C. is not maintainable. Hence, learned counsel for the present petitioner is permitted to convert the present application under Section 101(5) of the Act, by filing appropriate amendment application through e-mode by 04.07.2020. Thereafter, the office will make necessary correction in the file and list the matter under the heading for Admission on 06.07.2020.

(Dinesh Kumar Singh, J)

Amrendra/-

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