

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1352 of 2019

Arising Out of PS. Case No.-235 Year-2018 Thana- PANDAUL District- Madhubani

VIKRAM KUMAR @ VIKRAM YADAV Son of Moti Lal Yadav Resident of Kotwali Chowk, P.S. and District- Madhubani Under the guardianship of his father namely Motilal Yadav aged about 54 years Son of Ramchandra Yadav, Resident of Mohalla - Kotwali Chowk, P.S.and District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate
For the Respondent/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 07-07-2020 Heard the learned counsel for the parties.

This revision application has been filed against the order dated 05.09.2019 passed in Cr. Case No. 2548 of 2018 (arising out of Pandaul P. S. Case No. 235 of 2018), instituted for the offences under Sections 302 and 34 of the Indian Penal Code.

The petitioner / juvenile was more than 16 years but less than 18 years of age on the date of occurrence.

It appears that when he was produced before Juvenile Justice Board, the prayer for release from the Observation Home was rejected in a very cryptic manner. There was no consideration of Section 15 of the Juvenile



Justice (Care and Protection of Children) Act, 2015. The aforesaid order was appealed before the Children's Court but there also, the release of the petitioner from the Observation Home was refused.

In both the orders, the discussion is only on the merits of the accusation and not on the consideration which ought to have weighed with either the Board or the Children's Court.

This Court is not satisfied with the manner of consideration with respect to the petitioner by the Juvenile Justice Board as also the Children's Court.

Both the orders are therefore set aside.

The case of the petitioner / juvenile is remanded to the concerned Juvenile Justice Board for passing a fresh order after assessing the case of the petitioner under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

The aforesaid decision shall be taken by the Juvenile Justice Board within a period of three months from the date of production/receipt of a copy of this order.



If the petitioner feels aggrieved by the aforesaid order, he may exercise the options available to him under the law.

The petition stands disposed off with the aforesaid observation.

(Ashutosh Kumar, J)

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