

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.223 of 2021

Arising Out of PS. Case No.-124 Year-2020 Thana- VISHNUPAD District- Gaya

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RAJA KUMAR S/O CHUNNA PRASAD R/o Mohalla- Brahamni Ghat, P.S.-
Vishnupad, District- Gaya, under natural guardianship of his father Chuna
Prasad, S/o Shankar Lal, R/o Mohalla- Brahamni Ghat, P.S.- Vishnupad,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh
	:	Mr. Ajay Kumar Sinha
For the Respondent/s	:	Mr. Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 28-06-2021 Heard Mr. Vikramdeo Singh, learned counsel for

the Juvenile and Mr. Pranav Kumar, learned APP for the

State.

The Juvenile / petitioner was found to be of

17 ½ years on the date of the occurrence and therefore,

his prayer for release was rejected by the Juvenile Justice

Board, Gaya and after assessment of the case of the

petitioner under Section 15 of the Juvenile Justice (Care and

Protection of Children) Act, 2015, the case was transferred

to the Children Court, Gaya.

The juvenile / petitioner has been made accused



in a case under Section 302 of the Indian Penal Code on suspicion. The dead body of a boy was found in a canal and it has been alleged in the F.I.R that because no definite reply could be given by the friends of the deceased, therefore, it was presumed that they including the petitioner had participated in the killing of the deceased.

The Juvenile Justice Bard, Gaya, while disposing of the application under Section 12 of the Act found that the juvenile was required to be kept in observation home as it was not safe to release him in open society without any controls. Similar view was taken by the Children Court, which on perusal of the Social Investigation Report came to the conclusion that the juvenile is the son of a daily wage labourer who has no control over his son. Because of such atmosphere at home, the juvenile was reported to have left his home without any notice and remained invisible for days together. All his friends are reported to be older in age than him and that leaving him in open society would not only pose danger for the society but also for the juvenile himself as it would only foster recidivism.



Mr. Vikramdeo Singh, learned Advocate for the juvenile / petitioner, however, has submitted that the Social Investigation Report could not have been made the sole basis for coming to any conclusion.

The choice of the words in the Social Investigation Report may not be good nonetheless that does not make the assessment faulty.

Considering the circumstances that the juvenile does not have a good record and his father is a daily wage labourer and that the juvenile has older friends, this Court finds that the assessment of the Children Court to be absolutely correct for the present.

I am therefore not inclined to interfere with the decision of the Children Court, Gaya in not releasing the juvenile from observation home.

Mr. Singh, learned counsel for the juvenile has informed this Court that now the petitioner has attained the age of majority but has yet not attained the age of 21 years.

The Children Court is directed to see to it that a



comprehensive life plan is prepared for the juvenile and that his conduct be observed in the observation home.

In case, the juvenile/petitioner shows signs of improvement and displays a behaviour which would reflect that there has been a change in his attitude and that it would be safe to release him from the observation home, the Children Court would be perfectly within his rights to do so.

The prayer made in this petition is rejected.

However, this petition is disposed of with a direction to the Children Court to apply itself again when an application is made on his behalf for release after seeing the developments and the changes in the behavioural approach of the juvenile.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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