

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2692 of 2021

Arising Out of PS. Case No.-241 Year-2016 Thana- BEUR District- Patna

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ROHIT KUMAR @ JITTU Son of Rakesh Kumar Sharma Resident of
Village- Hati, P.S.- Kako (Goshi), District- Jehanabad, presently residing in
Mohalla- Shri Krishna Bihar Colony, P.S.- Beur, District- Patna.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Niraj Kumar, Advocate
For the Respondent/s : Mr. Md. Aslam Ansari, APP
Mr. Vijay Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 01-12-2021 Heard Mr. Niraj Kumar, learned Advocate for
the appellant and Mr. Vijay Kumar Sinha, for the
informant. The State is represented by Mr. Md. Aslam
Ansari, learned APP.

This Court had earlier *vide* order dated
06.08.2018 passed in Cr. Revision No. 1195 of 2017
refused to direct for release of the juvenile/petitioner
from the observation home.

The juvenile/petitioner was more than 16 years
of age on the date of occurrence when he was alleged to
have killed the husband of the informant along with five
others. He was specifically alleged to have fired from his
weapon hitting the hand of the deceased.

The juvenile/petitioner is in observation home



since 13.10.2016.

The prayer for release of the juvenile was again rejected vide order dated 03.10.2018 in Cr. Misc. No. 57509 of 2018 by a co-ordinate Bench of this Court.

This Court had called for a report from the Children's Court about the stage of the case. The report has since been received, which indicates that the case was transferred to the court in question on 07.01.2021; but from the records of the case, it transpired that no order has been passed under Section 19 of the *Juvenile Justice (Care and Protection of Children) Act, 2015*.

Regard being had to the period since the juvenile/petitioner is in observation home and that even the order under Section 19 of the Act has not been passed, this Court deems it appropriate to direct for release of the juvenile/petitioner from the observation home.

The juvenile/petitioner is directed to be released from the observation home on his father furnishing a bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 1st Patna in connection with Special Case No. 50 of 2018, arising out of Beur P.S. Case No. 241 of 2016.

The father of the juvenile/petitioner shall also



furnish a separate undertaking that he shall take good care of the juvenile during the period that the trial is concluded and in case of any indication of the juvenile/petitioner returning to the deviant ways of yester-years, he shall immediately report the matter to the concerned police officer who, in turn, shall take necessary remedial steps. The Children's Court is also directed to conclude the trial positively within a period of six months.

The application stands allowed.

(Ashutosh Kumar, J)

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