

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.5 of 2021

Arising Out of PS. Case No.-188 Year-2019 Thana- FATEHPUR District- Gaya

=====

RANDHIR KUMAR Son of Umesh Prasad @ Umesh Mahto Resident of Village- Bagodar, P.S.- Fatehpur, District- Gaya under natural guardianship of his father Umesh Prasad @ Umesh Mahto, Son of Gurusaha Mahto, resident of Village- Bagodar, P.S.- Fatehpur, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

=====

Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Adv.
: Mr. Ajay Kumar Sinha, Adv.
For the Respondent/s : Mr. Ram Priya Sharan Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 08-03-2021 Heard Mr. Vikramdeo Singh, learned counsel for

the petitioner and Mr. Ram Priya Sharan Singh, learned APP

for the State.

The present application has been preferred against

the order dated 19.08.2020 passed by the learned Special

Judge (Children Court), Gaya in Cr. Appeal (Juvenile) Case

No. 38 of 2020 (C.I.S.), whereby the order dated

19.03.2020 passed by the learned Juvenile Justice Board,

Gaya, rejecting the bail of the petitioner in connection with

Fatehpur P.S. Case No. 188 of 2019, dated 22.08.2019,



which has been instituted for the offences under Section 376(D) of the Indian Penal Code and Section 6 of the Prevention of Children from Sexual Offences Act, 2012, has been affirmed and upheld.

The age of juvenile/petitioner has been assessed to be less than sixteen years. He has been made accused in a case under Section 376(D) of the Indian Penal Code and Section 6 of the Prevention of Children from Sexual Offences Act, 2012.

From the perusal of the order of the Juvenile Justice Board as also the Appellate Court, it appears that the prayer for release of the Juvenile from the observation home has been rejected on the ground that there is an allegation of gang rape and the accusation has been confirmed by the victim in her statement under Section 164 Cr.P.C. The Appellate Court on going through the social investigation report is of the view that it would not be safe for the benefit of the juvenile to release him from the observation home as he is likely to fall in bad company. It has also been observed in the appellate order that there is complete lack of proper



care and guardianship by the parents of the juvenile.

This Court would not like to substitute its own opinion over the aforesaid assessment of the Appellate Court.

Regard being had to the facts which have been noted above, I am not inclined to allow this application .

The prayer for release of the juvenile / petitioner from the observation home is rejected.

If there is no substantial progress in the trial of the juvenile / petitioner, he may approach the concerned Juvenile Justice Board for his release after six months from the date of receipt / production of a copy of this order. In that event, the Juvenile Justice Board shall pass an order taking into account the reasons for delay in disposal of the trial and after observing the conduct of the juvenile / petitioner in the observation home.

(Ashutosh Kumar, J)

sunilkumar/-

U		T	
---	--	---	--

