

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.406 of 2020

Arising Out of PS. Case No.-4 Year-2019 Thana- MAHILA P.S. District- Araria

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SHARWAN RAM @ SHARWAN KUMAR, S/o Satrudhan Ram R/o Village-
Jogta, Panchayat Kharsahi, ward no.1, P.S.-Raniganj, District-Araria, Under
the guardianship of Satrudhan Ram, Son of Late Sajan Ram, R/o village-
Jogta, Panchayat Kharsahi, ward no.1, P.S.-Raniganj, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Respondent/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 29-01-2021 Heard the learned counsel for the parties.

The appellant has challenged the order dated
04.03.2020 passed in Cr. Appeal No. 04 of 2020 by the
learned 1st Additional Sessions Judge cum Special Judge,
Araria, whereby the prayer for release on behalf of the
petitioner which was rejected by the Juvenile Justice
Board, Araria, dated 04.01.2020, has been affirmed and



upheld.

From the perusal of both the orders, it appears that both the Courts have not adverted to the provisions contained in Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

The petitioner has been made accused in a case involving Section 376 (D), 323, 341, 325 and 379 of the Indian Penal Code.

Since offence under Section 376 (D) falls in the category of heinous cases as defined under Section 2(33) of the Act, there ought to have been consideration in consonance with the provisions contained in Section 15 of the Act.

That not having been done, both the orders are not sustainable in the eyes of law.

The orders passed by the Juvenile Justice Board dated 04.01.2020 and the order dated 04.03.2020 passed by the learned 1st Additional Sessions Judge, Araria, are hereby set aside.



The matter is remitted to Juvenile Justice Board
for a fresh consideration after taking into account all
necessary facts and law in that regard.

The order must be passed within a period of
60 days from the date of production/receipt of a copy of
this order.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

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