

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.40 of 2022

Arising Out of PS. Case No.-671 Year-2020 Thana- DANAPUR District- Patna

XXX, Son Of Sanjay Singh @ Sanjay Yadav @ Sanjay Rai R/O Village-
Nasriganj, Biscuit Factory Road, Behind Of Sai Iti, P.S.- Danapur, District-
Patna Through Is Father Sanjay Singh @ Sanjay Yadav @ Sanjay Rai

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

For the Respondent/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 25-07-2022 Learned counsel for the petitioner is permitted to
make corrections of typographical error in paragraphs ‘1’ and
‘8’ of the application in course of the day.

Heard learned counsel for the petitioner and Mr. Md.
Arif, learned APP for the State.

Petitioner in the present case is seeking setting aside
of the order dated 03.11.2021 passed by learned 1st Additional
Sessions Judge-cum-Special Judge, Children Court, Patna in
Cr.Appeal No.119 of 2021 arising out of Danapur P.S. Case
No.671 of 2020 registered for the offences under Sections
302/34 of the Indian Penal Code and Section 27 of the Arms Act
whereby and whereunder the order dated 13.08.2021 passed by
the learned Principal Judge, Juvenile Justice Board, Patna in
J.J.B. Case No.148 of 2021 refusing the prayer for bail of the



petitioner has been affirmed.

Learned counsel for the petitioner submits that the First Information Report is against unknown. Nobody has seen the killers of the son of the informant. The name of the petitioner has transpired in the confessional statement of the co-accused and except that there is no other material against him. He has been adjudged juvenile aged about 16 years 9 months and has got two criminal antecedents.

Learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that this petitioner was driving the Scooty on which the two persons were sitting and they had shot at the victim. It is submitted that this petitioner has been arrested earlier in connection with two cases under the Arms Act and in the social investigation report the neighbours have stated that this petitioner had fallen in bad company and was living with them.

As regards the stage of the case, it is submitted that the learned Juvenile Justice Board has transferred the records after preliminary assessment of the petitioner for his trial as an adult and at this stage the learned children court is hearing the matter under Section 19(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the



‘Act of 2015’).

Having regard to the submissions and the materials discussed hereinabove, this Court is of the considered opinion that considering the social investigation report of the petitioner, his criminal antecedents and the fact that he is above 16 years of age and his case is at the hearing stage of Section 19(1) of the Act of 2015, for the present, this Court is not inclined to interfere with the impugned judgment.

This application is dismissed.

The learned trial court is directed to complete the hearing of Section 19(1) of the Act of 2015 within a reasonable time and pass an appropriate order thereon. In case, the petitioner is required to be tried as an adult then such trial be conducted expeditiously. In any case, if the trial remains unconcluded for a period of nine months from the date of communication of this order for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading ‘Judicial Orders Passed During The Pandemic Period’.

