

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.56 of 2022

Arising Out of PS. Case No.-161 Year-2020 Thana- BARHIYA District- Lakhisarai

VIKASH KUMAR Son of Sublal Ram Resident of Ward No. 11, Barahiya,
PS. - Barahiya, District - Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate
For the Respondent/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-07-2022 Learned counsel for the petitioner is permitted to
remove the defects in course of the day.

Heard learned counsel for the petitioner and Mr.
Mukeshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking setting aside
of the impugned judgment/order dated 14.12.2021 passed by
learned Additional District & Sessions Judge - 1st – cum –
Special Judge, Lakhisarai in Cr. Appeal No. 30 of 2021 arising
out of Barahiya P.S. Case No. 161 of 2020 registered for the
offence under Sections 323, 341, 307/34 of the Indian Penal
Code and later on vide order dated 20.07.2020 under Section
302 I.P.C. has been added whereby and whereunder the learned
court below has been pleased to reject the criminal appeal of the
appellant/petitioner.

Learned counsel for the petitioner submits that this



petitioner has been declared juvenile vide order dated 25.10.2021 (Annexure '2') by the learned Juvenile Justice Board, Lakhisarai. On the alleged date of occurrence he was 17 years 8 months and 22 days, therefore, the petitioner being a juvenile his case be considered keeping in view the spirit of section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the "Act of 2015").

Learned counsel further submits that the petitioner is one among the three accused who are named in the F.I.R. The allegation against him is that he along with the other named accused had badly assaulted the son of the informant by lathi, danda and iron rod as a result of which the son of the informant died.

Learned counsel submits that if released on bail father of the petitioner will give an undertaking and shall also stand as surety.

On the other hand, Mr. Mukeshwar Dayal, learned A.P.P. for the State submits that since the petitioner is a juvenile the principles of *parens patriae* is required to be followed. It is submitted that the social investigation report of the petitioner does not speak well about him. According to the said report the petitioner is in company of the habitual offenders and earlier



also there were complaints against him. Though there is no F.I.R. and it appears that in the present case he has allegedly killed his own friend who was also involved in the unlawful acts with the petitioner.

Having regard to the submissions noted hereinabove, taking note of the social investigation report of the petitioner and the reasoning provided in the order of the learned Juvenile Justice Board, Lakhisarai, this Court is of the considered opinion that releasing the petitioner on bail at this stage is likely to expose him to fall in bad company and get connected with the antisocial elements and the interest of justice requires that he remains in the observation home for the present and be provided adequate training to connect himself with the mainstream of the society.

For the present, this application is dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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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'.

