

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.400 of 2020

Arising Out of PS. Case No.-224 Year-2019 Thana- BIRAUL District- Darbhanga

XXX, S/o Shivnandan Yadav through guardian Shivnandan Yadav @ Kari Yadav, resident of village-Rohar, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sameer Ranjan, Adv.
For the Respondent/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 12-07-2022 This application challenging the judgment dated 01.06.2020 passed by learned 1st Additional Sessions Judge-cum-Children Court, Darbhanga in Criminal Appeal No.16 of 2020 was filed online on 28.08.2020. The token number has been generated on 13.09.2020.

Earlier when the matter was taken up for consideration on 31.01.2022, a learned coordinate Bench of this Court called for the case diary and the social investigation report of the petitioner to consider his prayer for setting aside of the judgment and release on bail in Biraul P.S. Case No.224 of 2019 for the offences under Section 376AB of the Indian Penal Code and Section 4 of the POCSO Act.

In course of hearing before this Court it transpired that during the pandemic covid-19 period the petitioner was



released from the Remand Home, Darbhanga and he was entrusted in the custody of his parents. This Court, therefore, called for a report from the Juvenile Justice Board, Darbhanga. At this stage, the report has been received and is kept at Flag 'B'.

On going through the report it transpired that the juvenile was released by a leave order dated 17.07.2020 from the Observation Home, Darbhanga due to covid-19 situation in the State. Thereafter, the juvenile attended the Board from time to time and a preliminary assessment under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the 'Act of 2015') was undertaken and in the said preliminary assessment the petitioner was assessed mentally and physically matured to understand the crime allegedly committed by him and the consequences thereof. The Juvenile Justice Board, therefore, sent the records to the Children Court for further proceeding. The Juvenile Justice Board also took a view that because the petitioner had intermingled with the society and covid-19 was rampant in Darbhanga, therefore he was directed to appear before the Children Court on the assigned date and leave period was extended. It transpires that the records of the case were received



in the children court on 28.06.2020. The leave was extended by the Juvenile Justice Board till 30.09.2020. The Children Court listed the case on 06.10.2020 but the petitioner did not appear.

From the report it does not appear that any notice regarding the date fixed in the Children Court on 06.10.2020 was sent to the petitioner, therefore this Court would not take any adverse view against the petitioner at this stage.

In the given facts and circumstances of the case, the present application has become infructuous. The petitioner has been on leave, though the leave has not been extended further after 30.09.2020.

Learned counsel for the petitioner submits that the petitioner may be granted four weeks time to appear before the Children Court on the date fixed in the matter or with a request to pre-pone the date fixed in the matter if it is beyond four weeks.

Learned APP for the State is present and does not dispute the present position.

This Court, therefore, grants liberty to the petitioner to appear before the Children Court within four weeks from today and file an appropriate application either to grant him bail or to extend his leave on the grounds which may be available to him.



If such an application is filed, the Children Court shall consider the application on the same day and shall dispose it of keeping in view the spirit of Section 12 of the Act of 2015. The learned Children Court would definitely consider that the petitioner has intermingled with the society as observed by the Juvenile Justice Board in its report and at this stage this Court has been informed that there is no complaint against him.

The Probation Officer shall cooperate in disposal of the application on the same day.

This application stands disposed of accordingly.

(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'.

