

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.692 of 2021**

Arising Out of PS. Case No.-49 Year-2017 Thana- PAROO District- Muzaffarpur

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ALOK BHARTI S/o- NAGESHWAR RAM Resident of Village- Bahlolpur,
P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar

2. Rajdeo Ram, A.S.I., Paroo, P.S.- Paroo, Distt.- Muzaffarpur Bihar

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Respondent/s : Mr.Narendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 05-09-2022 Mr. Narendra Kumar Singh, learned A.P.P. for the

State submits that the opposite party no. 2 is the police officer
who has lodged the F.I.R., therefore, he may be represented by
the State.

Let the opposite party no. 2 be represented through
learned A.P.P. for the State.

In the aforesaid view of the matter, this application
has been taken up for consideration on merit.

This Revision Application has been preferred for
setting-aside the judgment and order dated 28.08.2021 passed
by learned Additional District & Sessions Judge-1, Muzaffarpur
in Criminal Appeal No. 83 of 2019 arising out of Paroo P.S.
Case No. 49/2017 by which he has dismissed the same and
affirmed the order/judgment and sentence dated 13.07.2019



passed by JJB, Muzaffarpur in Paroo P.S. Case No. 49/2017 and modified the sentence that the petitioner to be kept in Special Home for six months with rider of setting of the period already undergone in the observation home during the pendency of enquiry under the provision of section 428 Cr.P.C. The petitioner was directed to be kept in Special Home for 2½ years by the J.J.B.

Learned counsel for the petitioner submits that the petitioner has been directed to be kept in the Special Home for six months with rider of setting of his period already undergone. In this case the petitioner has remained in the Special Home for a period of three months approximately, thus, considering that the petitioner was found juvenile at the time of commission of the alleged offence, the sentence imposed upon him may be modified and let it be confined to the period already undergone by the petitioner in the Observation Home/Special Home.

Mr. Narendra Kumar Singh, learned A.P.P. for the State does not controvert the submission of learned counsel for the petitioner sensing that it is a case of juvenile and no fruitful purpose will be served by sending him to the Special Home at this stage to serve another period of three months in the institutional care.



Considering the entirety of the materials available on the records and the submissions of learned counsel for the petitioner and learned A.P.P. for the State, this Court allows this application to the extent that the sentence of six months imposed upon the petitioner would stand modified to the period already undergone in the Observation Home/Special Home.

The impugned order dated 28.08.2021 is, thus, modified to the extent indicated above.

This application stands disposed of accordingly.

(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'.

