

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1129 of 2018

Arising Out of PS. Case No.-158 Year-2008 Thana- LAXMIPUR District- Jamui

Pintoo Yadav @ Ajit Kumar Yadav S/o Vishun Yadav @ Bishundev Yadav,
R/o Vill.- Panaut, P.S.- Luxamipur, District- Jamui.

... .. Petitioner

Versus

1. State of Bihar
2. Sudhir Yadav S/o Shibu Yadav, R/o vill.- Panaut, P.S.- Luxamipur, District- Jamui.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Pankaj Kumar Sinha, Advocate
For the State	:	Mr. Brajendra Nath Pandey, APP
For O.P. No. 2	:	Mr. S.P. Parasar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 15-11-2022 Heard learned counsel for the petitioner and learned
counsel for opposite party no. 2.

Learned counsel for opposite party no. 2 having argued the matter at length admits finally that the impugned order suffers from non-consideration of the materials available on the record.

On perusal of the impugned order dated 03.04.2018 passed by learned Juvenile Justice Board, Jamui (hereinafter referred to as 'the Board') passed in G.R. No. 1516 A/2008 arising out of Luxamipur P.S. Case No. 158 of 2008 registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504 of the Indian Penal Code and Section 27 of the Arms Act, it would appear that after taking note of the evidence adduced on behalf



of the prosecution, the Board has directly reached to a conclusion without recording any finding on the basis of the materials on the record. In its concluding paragraph in fact the Board has acquitted a juvenile known as Sonu Kumar whereas the Board was considering the case of the opposite party no. 2. Further, the Board has held that the charges under Sections 461 and 380 IPC are not proved, therefore, the juvenile is being acquitted from those charges.

Again, this Court finds that the opposite party no. 2 of this case was not charged under Sections 461 and 380 IPC, hence, on this score also the Board has committed grave error.

In result, the impugned order is set aside and the matter is remitted to the Board for fresh consideration in accordance with law.

(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'.

