

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.154 of 2023

Arising Out of PS. Case No.-720 Year-2022 Thana- SITAMARHI District- Sitamarhi

Shashank Kumar Son of Prakash Kumar Through his father (Natural Guardian) Prakash Kumar age about 41 years (M) S/o Satyanarayan Prasad, R/v- Lohapatti, Ward No. 11, P.S. and Dist- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Respondent/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 22-03-2023

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The present criminal revision application has been filed against the order dated 07.11.2022 passed by the learned Juvenile Justice Board, Sitamarhi in connection with Sitamarhi P.S. Case No. 720 of 2022, registered under Sections 302/ 34 of the I.P.C. as well as for setting aside the order dated 11.01.2023 passed by learned Children Court, the learned 1st Additional Sessions Judge-cum-Special Judge (Children Court) Sitamarhi in Cr. Appeal No. 84 of 2022.

Counsel for petitioner submits that petitioner is named person of Sitamarhi P.S. Case No. 720 of 2022. He was declared juvenile. Counsel submits that from the contents of the

F.I.R., there is nothing specific alleged against the present petitioner. Counsel submits that petitioner has been declared juvenile from Juvenile Justice Board, Sitamarhi and he is child in conflict with law and in observation home, since, 06.10.2022. Counsel submits that there is no antecedent relating to the petitioner. His father is ready to provide undertaking before the Board that petitioner shall not involve in any illegal activities.

Counsel further submits that his S.B.R. and S.I.R. both reports are satisfactory and only apprehension has been raised that there is likelihood that this child may come in contact with the criminals.

In this regard, the father of the petitioner is ready to file undertaking before the Court that he shall take care of the petitioner personally, morally as well as psychologically.

Counsel for State submits that it is true that there is no specific allegation against the present petitioner (child in conflict with law) as well as he has no antecedent relating to in conflict with law.

According to Section 3 of the Juvenile Justice Act, 2015, there are certain principles casted in favour of the juvenile including the principles of equality and fairness.

Considering those principles laid down under

Section 3 of the said Act, this Court is directed to release the petitioner on providing the undertaking of his father that he shall provide mental and psychological care of his son as well as upon release, both father and son shall visit to the protection officer periodically in the first week of every month.

Hence, the petitioner is directed to be released on the conditions above and the order passed by Juvenile Justice Board, Sitamarhi dated 07.11.2022 and the order passed dated 01.02.2023 in Cr. Appeal No. 84 of 2022 by Children Court-cum-Additional District & Sessions Judge-1st, Sitamarhi are hereby set aside.

(Dr. Anshuman, J.)

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CAV DATE	
Uploading Date	
Transmission Date	