

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.276 of 2023

Arising Out of PS. Case No.-107 Year-2022 Thana- ARER District- Madhubani

XXX, Son of Md. Wakil, resident of village- Dhanga East, P.S- Arer, Dist- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saeeda Khatoon Wife of Marhum Ilyash R/V- Dhanga East, PS- Arer Dist Madhubani

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate
For the Respondent/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 22-11-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. Petitioner in the present case is seeking setting aside of the order dated 23.02.2023 passed by the learned Additional District and Sessions Judge-I-cum-Juvenile Judge, Madhubani in Cr. Appeal No.02 of 2023 whereby and whereunder the learned court has been pleased to reject the Cr.Appeal No.02 of 2023 and upheld the judgment and order dated 03.01.2023 passed by learned Juvenile Justice Board, Madhubani in Enquiry No.1106 of 2022 arising out of Arer P.S. Case No.107 of 2022 registered for the offence alleged under Section 376 of the Indian Penal Code and Section 4 of the



POCSO Act, 2012.

3. Learned counsel for the petitioner submits that the petitioner has been adjudged juvenile aged below 15 years on the alleged date of occurrence. It is submitted that, in such circumstance, the seriousness of the offence alleged may not be a good ground to reject the prayer of the petitioner to enlarge him on bail. Learned counsel refers Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred to as the 'Act of 2015') and submits that the spirit of the provision requires that parental reunion would be better than an institutional care for the petitioner.

4. Learned APP for the State has, however, brought to the notice of this Court the social investigation report/social background report of the petitioner placed at Flag 'B'. It is submitted that as per recent report, the petitioner does not have a good mental condition and he has already left his studies about four years ago. In report, it has also come that earlier he had fled away from his house on two occasions, the family does not have adequate income and the members of the family somehow earns their livelihood by doing physical labour. The Probation Officer has recommended that the juveniles would be given some psychological assistance so as to mould his behavioural pattern



and efforts be made to reform him by keeping in the special home.

5. Having regard to the facts and circumstances of the case, taking note of the materials present in the social background report of the petitioner, this Court is of the considered opinion that the spirit of Section 12 of the Act of 2015 requires that petitioner be allowed to continue in the observation home/special home where he may be provided adequate psychological assistance and training to mould himself and care may be taken to draw an adequate plan for him for purpose of his rehabilitation.

6. This Court, therefore, refuses to interfere with the impugned order. The Juvenile Justice Board, Madhubani shall take appropriate measures to provide psychological assistance to the petitioner and draw a plan for him for purpose of his rehabilitation.

7. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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