

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.479 of 2023

Arising Out of PS. Case No.-117 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

XXX, Son of Late Krishna Singh @ Late Krishna Yadav, through under guardian Ship of Mother Uma Devi aged about 55 years, W/o Late Krishna Singh @ Krishna Yadav, Resident of Village- Salempur, P.S- Chandi, District- Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Subodh Kumar Barnwal, Advocate
For the State : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 24-11-2023 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

2. The petitioner in the present case is seeking setting aside of the order dated 31.05.2023 passed in Criminal Appeal No. 28 of 2023 by learned First Additional Session Judge, Bhojpur, Ara and order dated 19.04.2023 passed by learned Juvenile Justice Board, Bhojpur in J.J.B. Case No. 749 of 2023 arising out of Ara Muffasil P.S. Case No. 117 of 2021 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act by which the learned Sessions Court has confirmed the order dated 19.04.2023 passed by the learned Juvenile Justice Board.

3. Learned counsel for the petitioner submits that as per prosecution story, this petitioner is the main assailant and



had shot at the deceased but he was a juvenile aged about fifteen years and one month only on the date of occurrence i.e. on 14.05.2021.

4. Learned counsel has placed before this Court a copy of the order dated 31.03.2023 showing that the Medical Board constituted by the Civil Surgeon, Aurangabad had examined the petitioner and found that he was in between 17-18 years of age on 13.03.2023, therefore, the Board has concluded that on the alleged date of occurrence, the petitioner was little more than fifteen years.

5. Learned counsel further submits that father of the petitioner is not alive and if released on bail, his mother would furnish an undertaking that she will keep her away from bad elements and would not allow him to go back with the persons of suspicious conducts.

6. On the other hand, learned APP for the State submits that the social investigation report of the petitioner reveals that his father is no more, he has been in the company of some persons having criminal antecedents and has already left his studies. It is, therefore, submitted that if the petitioner is released on bail at this stage, in absence of a good family atmosphere and control of the family over him, he is likely to



fall in bad company of anti-social elements, therefore, it would only be in the interest of the child in conflict with law to keep him in the observation home for some more time and ensure that a proper rehabilitation plan is drawn for him.

7. Having regard to the facts and circumstances of the case, in the nature of the social investigation report of the petitioner saying that the petitioner fell in the bad company on account of lack of good atmosphere in the family and the report of the Probation Officer regarding the petitioner falling in the company of anti-social elements and that he would be exposed to the moral, physical and psychological danger, this Court is of the considered opinion that no interference is required with the impugned order at this stage. The best interest of the child in conflict of law would be in keeping him in the observation home for some more time and provide him all psychological help and draw a proper rehabilitation plan for him.

8. This application is, thus, dismissed at this stage.

(Rajeev Ranjan Prasad, J)

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