

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.535 of 2023

Arising Out of PS. Case No.-171 Year-2017 Thana- BARHIYA District- Lakhisarai

NISHANT KUMAR @ KARE LAL Son of Late Ram Naresh Singh Resident
of village - Jaitpur, P.s. - Barhaiya, distt. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Smt. Sudha Ambastha, Advocate
For the Respondent/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 04-04-2024 The petitioner in the present case has filed the instant revision praying for setting aside of an order dated 18th May 2023, passed in connection with Barahiya P.S. Case No. 171 of 2017 corresponding to GR No. 06/2023 passed by the learned Additional District & Sessions Judge-1st-cum-Special Judge Children Court, Lakhisarai, who refused the prayer of the petitioner for admitting him to bail for offences alleged under Sections 302/301/34 of the IPC and Section 3(2)(v)(a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. On perusal of the record, it is ascertained that the petitioner has filed a petition for regular bail before the Children Court. There is nothing on the record to show that the petitioner applied for bail before the Juvenile Justice Board. As per the



scheme of the Juvenile Justice (Care and Protection of Children) Act, 2015, in case, the Juvenile Justice Board does not grant bail to a juvenile, he has a remedy available under Section 101 of the Act of 2015. It is only when an appeal under Section 101 is rejected, the revisional provision contained under Section 102 of the Act of 2015 could have been invoked.

3. Since, the petitioner is aggrieved against the order dated 18th May 2023 passed by the Children's Court which is a Sessions Court, under the provision of Section 101 an appeal shall lie before this Court.

4. In such view of the matter, the instant revision may be converted to an appeal and be presented before the competent Hon'ble Bench having a roster to hear out the appeal. The Department is directed to do the needful.

5. Let the records be placed before the learned Registrar General of the High Court to take adequate measures with the registry paper who are dealing with stamp reporting to ensure that such matters are duly scrutinized at the threshold to avoid wastage of the Court's time.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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