

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.1367 of 2019**

Arising Out of PS. Case No.-402 Year-2018 Thana- SONEPUR District- Saran

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RAUSHAN KUMAR @ TATYA Son of Sri Anil Kumar Resident of Village -  
Sathiauta, P.S.- Bhagwanpur, Distt.- Vaishali Under Guardianship of anil  
Kumar (Natural Father) Male, Son of Seetaram , Resident of Village -  
Sathiauta, P.S.- Bhagwanpur, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Praveen Kumar, Adv.  
For the Respondent/s : Mr.Dinesh Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**  
**ORAL ORDER**

4      02-02-2024                      Heard learned Advocate for the petitioner as well as  
learned APP for the State.

2. On 08.05.2018 the informant being the father of the  
victim filed F.I.R. alleging *inter alia* that his minor son namely  
Sunny Kumar did not return home from school and he was  
missing.

3. On the basis of the said F.I.R., Police registered a  
case under Section 364/34 of the I.P.C. against unknown  
accused persons.

4. During investigation the accused was arrested. He  
made a plea that on the date of commission of alleged offence,  
he was a juvenile in conflict with law. By an order dated 19<sup>th</sup>  
March, 2019 the Juvenile Justice Board on due consideration of



Probation Officer's report, social investigation report etc. and after holding enquiry under Section 94 of the **Juvenile Justice (Care and Protection) Act, 2015** declared the petitioner as juvenile. However, he was not released from Observation Home.

5. Petitioner preferred an appeal before the children court at Chapra in the District of Saran. The court of appeal disposed of the said appeal, wherein it was held that the petitioner is a seasoned offender. He was previously apprehended by the Police in a case under the Arms Act. In this case also he was apprehended for committing the offence of kidnapping. There are sufficient materials in the case diary that he used to mix up with the dreaded criminal from his childhood. He demanded ransom of Rs.7,00,000/- from the complainant for releasing the victim. Considering such circumstances, the appeal filed under Section 101 of the said Act was dismissed.

6. Proviso (2) Section 12 states that a juvenile in conflict with law shall not be released when concern with a non-bailable offence. If there appears reasonable ground for believing that the release is likely to bring that person into association with any non criminal and expose the said person to moral, physical or psychological danger from the person



released would defeat the ends of justice, and the Board shall record the reason for denying the bail and circumstances that led to such a decision.

7. The Juvenile Justice Board considered the above aspects of the statute and rejected the prayer for bail of the petitioner and he was remanded to the Children's Home.

8. The said order was dismissed by the trial court on careful perusal of the materials in case diary.

9. I have perused the impugned order. The said order was passed considering all aspects of the matter giving reasons as to why the petitioner should not be released on bail.

10. This Court, therefore, finds no illegality in the impugned order and accordingly, the instant revision is dismissed.

**(Bibek Chaudhuri, J)**

pravinkumar/-

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