

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.777 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- BIRUPUR District- Lakhisarai

Nilesh Kumar @ Madan Kumar, Son of Vinay Singh Through Natural Guardian Namely Rubi Devi (Mother of Petitioner), Wife of Vinay Singh, Resident of Village - Sharma Tal, Police Station - Birupur, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra, Advocate

For the Respondent/s : Mr. Arun Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 26-02-2024 An order passed by the Additional District and Sessions Judge-Ist-Children Court at Lakhisarai in Criminal Appeal No. 23 of 2023 is under challenge in the instant revision.

2. Suffice it to note that the petitioner is a child in conflict with law (CICL). He has been booked in connection with Birpur P.S. Case No. 17 of 2023 under Sections 147/148/149/302/307/326/120(B) of the IPC and Section 27 of the Arms Act. Both the Juvenile Justice Board as well as the first court of appeal rejected his application for bail which necessitates the petitioner to move this Court in revision.

3. It is submitted by the learned advocate for the petitioner that the learned appellate court did not consider that the petitioner was not named in the FIR. Both the defect



complainant and the petitioner and other accused person are resident of the same village. Had there been any involvement of the petitioner in the offence, he could have been named in the FIR. Petitioner's name surfaced out from the confessional statement of a co-accused. It is needless to say that statement made by an accused implicating another is not admissible in evidence. For the reasons, the appellant cannot be detained in the observation home.

4. I have carefully perused the impugned order, it is not only the fact that the petitioner's name came from the confessional statement of an accused but two firearms were recovered from his house. From the SIR report submitted by the Probation Officer, it appears that the petitioner was also involved in trafficking of narcotic drugs. He mixes with a gang of criminals of the same age. Therefore, the Probation Officer also stated that if he is released on bail or had kept under the protection of his parents, there is every chance that petitioner would mix up with other criminals. The Juvenile Justice (Care and Protection of Children Act, 2015) is not only a statute of conducting trial of children in conflict with law. It is a socially beneficial legislation which aims at reformation of CICL.

5. Considering such aspect of the matter, I do not find



any illegality or irregularity in the impugned order. Accordingly,
the instant revision is dismissed.

(Bibek Chaudhuri, J)

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