

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.150 of 2024

Arising Out of PS. Case No.-146 Year-2020 Thana- JANTA BAZAR District- Saran

XXX, under guardianship of his father namely Shashi Shekhar Pandey, male aged about 59 years, S/o Late Chandeshwar Pandey, R/o Village Basahi, Chak Hafiz, P.S Janta bazar, District- Saran

... .. Appellant

Versus

1. The State of Bihar
2. Sushil Kumar Paswan, S/o Jagdish Manjhi, R/o Village - Basahi, P.S. - Janta Bazar, District- Saran

... .. Respondents

Appearance :

For the Appellant	:	Mr. Udai Shankar Singh, Advocate
For the State	:	Mr. Binay Krishna, Special PP
For the Resp No. 2	:	Mr. Noumaan Ahmad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 12-07-2024 Heard learned counsel for the appellant and learned Special PP for the State as also learned counsel for the Respondent No. 2. The Superintendent of Police, Saran at Chapra is present online.

2. The appellant in this case is seeking setting aside of the impugned order dated 14.07.2023 passed by learned 1st Additional Sessions Judge-cum-Children Court, Saran at Chapra in connection with Children Court Case No. 14 of 2022 arising out of Janta Bazar P.S. Case No. 146 of 2020 registered for the offences punishable under Section 147, 148, 149, 447, 341, 302, 120-B, 506 of the Indian Penal Code and Section 27 of the Arms Act as also under Section 3(i)(r)(s) 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. In course of interaction with the Superintendent of Police, Saran, it has come to the notice of this Court that earlier the appellant was sent to Central Jail, Bhagalpur in absence of any information as to his having been declared juvenile. The Superintendent of Police, Saran, however, submits that the order of the learned court below passed on 04.01.2023 was sent to the Jail Superintendent, Chapra but that was not brought to the notice of the Jail I.G. as a result whereof the appellant was again sent to Central Jail on 25.06.2023.

4. It is submitted that at this stage, the appellant has been brought back to Chapra and the trial of the present case is going on.

5. This Court has been informed that out of ten prosecution witnesses, one witness has died and out of remaining nine witnesses, seven have already been examined. The next date fixed in the matter is 16th July, 2024 and on the next date, the two other official witnesses shall be examined. Thus, this Court has been given to understand that all the prosecution witnesses are likely to be examined within a short time.

6. It is pointed out by the Superintendent of Police, Saran that this appellant has got eleven criminal antecedents but

this Court finds that in the memo of appeal only five criminal antecedents have been disclosed.

7. Learned counsel for the appellant has shown ignorance and it is submitted that in absence of complete information, the statements have been made in paragraph '3' of the appeal with regard to the number of criminal antecedents.

8. In the given circumstance as the trial is likely to be concluded soon, this Court is not willing to interfere with the impugned judgment dated 14.07.2023 passed by learned 1st Additional Sessions Judge-cum-Children Court, Saran at Chapra in connection with Children Court Case No. 14 of 2022 arising out of Janta Bazar P.S. Case No. 146 of 2020 and release the appellant on bail.

9. Let the trial be concluded at the earliest possible opportunity.

10. Before this Court would part with the order, this Court would remind all the stakeholders and the police being the first responder that keeping the appellant in Central Jail despite the fact that he is being tried as a juvenile is wholly illegal and is in violation of the spirit of the Juvenile Justice (Care & Protection of Children) Act 2015 (hereinafter referred to as the 'Act of 2015'). The police officer including the Jail Superintendent seem to be totally either unaware of the provisions of the Act of 2015 or are

unwilling to comply with the provisions of the said Act. Perhaps, they would require training so that they do not repeat the same act in respect of other juveniles in future.

11. This Court, therefore, directs the Director General of Police, Bihar to look into this aspect of the matter, sensitize the police officers with regard to the spirit of the Act of 2015 and, in case, they require some training and workshops for such sensitization purposes, the same be arranged. The Jail Superintendent, Chapra in this case seems to have erred by not complying with the order of the learned court below but at this stage this Court is not proceeding against him only with an intention to give him an opportunity to understand the Law and in future he does not repeat the same act which is in the teeth of the provisions of the Act of 2015.

12. The order be communicated to the Director General of Police, Bihar.

13. This appeal stands disposed of accordingly.

14. The appearance of the Superintendent of Police, Saran stands dispensed with.

(Rajeev Ranjan Prasad, J)

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