

Rohit Bhaitha vs The State Of Jharkhand Opp. ... on 30 April, 2025

Author: Sanjay Prasad

Bench: Sanjay Prasad

2025:JHHC:13005

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Rev. No. 302 of 2025

Rohit Bhaitha, aged about 16 years, son of Subodh Baitha, resident of village Tuttoli, P.O. & P.S-Khunti, District-Khunti, Jharkhand, through his father and natural guardian Subodh Baitha, aged about 48 years, son of Laxman Baitha, resident of village Tuttoli, P.O & P.S-Khunti, District-Khunti, Jharkhand.

	Petitioner
	Versus	
The State of Jharkhand	Opp. Parties

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the petitioner	: Mr. Akhoury Awinash, Advocate
For the State	: Mrs. Ruby Pandey, APP

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03/Dated:30 April, 2025

This Criminal Revision Application has been filed on behalf of the petitioner by challenging the judgment dated 05.02.2025 passed by Sri Asif Equbal, learned Additional Judicial Commissioner-IV-cum-Special Judge, (POCSO), Ranchi in Criminal Appeal No. 19 of 2025 by which appeal has been dismissed and the prayer for bail of the Juvenile petitioner has been rejected thereby affirming the order dated 17.12.2024 passed by Sri Amit Gupta, learned Principal Magistrate, Juvenile Justice Board, Ranchi in connection with G.R. Case No.2733 of 2024, arising out of Pithoria P.S. Case No.100 of 2024 for the alleged offence under Section 309(5), 109, 111, 3(5) of the B.N.S Act, 2023 and Section 25(1-A), 25(1-B)a, 25(6) and 26 of Arms Act whereby the bail petition filed by the petitioner has been rejected.

2. As per F.I.R, it is alleged that while the informant was sitting in the Hotel then two accused

including this Juvenile petitioner arrived there and demanded key of the 2025:JHHC:13005 Motorcycle and they further demanded key of the Car which was protested by the Informant. In the meantime, the Owner of the Hotel arrived there and slapped the petitioner due to which one other accused Ashish Kumar fled away, however, the petitioner Rohit Bhaitha who was apprehended and tied by the rope by the local people.

3. Heard Mr. Akhouri Awinash Kumar, learned counsel for the petitioner and Mrs. Ruby Pandey, learned APP for the State.

4. Learned counsel for the petitioner has submitted that the impugned judgment and order passed by the learned Court below are illegal, arbitrary and not sustainable in the eye of law. It is submitted that allegations against the petitioner are false and concocted. It is submitted that the petitioner is Juvenile and at best it is a case of attempt to commit robbery and attempt to commit murder. However, no harm was caused to the informant. It is submitted that the juvenile petitioner has been caused injury at the hand of the informant side. Learned counsel for the petitioner submitted that no firing was made by the Juvenile petitioner and hence the offence under section 309(5) of the B.N.S Act is not made out as well as the case of commit robbery of the Vehicle. It is submitted that the father of the Juvenile petitioner is ready to take care and custody. It is submitted that the petitioner is in custody since 31.08.2024 and hence he may be enlarged on bail.

5. On the other hand, learned APP has opposed the prayer for bail. It is submitted that petitioner was apprehended on the spot by the informant with the help of local people. It is submitted that the petitioner has got three 2025:JHHC:13005 criminal antecedents i.e. (1) Torpa P.S. Case No.104/2022, (2) Khunti P.S Case No.237 of 2022 and (3) Khunti P.S Case No.12 of 2023 and the petitioner is in bad company. It is submitted that even the Social Investigation Report is not in favour of the Juvenile petitioner and hence the prayer for bail of the juvenile-petitioner may be rejected.

6. It appears that the Juvenile petitioner along with one Ashish Kumar had tried to commit robbery of the Vehicle of the informant in question. However, he was apprehended by the local people and also appears to be assaulted by the local people also.

7. It appears that there is recovery of one pistol and live cartridges from the hands of the juvenile petitioner.

8. It also appears that Juvenile petitioner has got three (03) criminal antecedents.

9. Accordingly, the prayer for bail of the Juvenile petitioner is rejected.

10. Under the circumstances, the judgment dated 05.02.2025 passed by Sri Asif Equbal, learned Additional Judicial Commissioner-IV-cum-Special Judge, (POCSO), Ranchi in Criminal Appeal No. 19 of 2025 and the order dated 17.12.2024 passed by Sri Amit Gupta, learned Principal Magistrate, Juvenile Justice Board, Ranchi in connection with G.R. Case No.2733 of 2024, arising out of Pithoria P.S. Case No.100 of 2024, are upheld.

11. Thus, Cr. Rev. No.302 of 2025 is hereby dismissed.

(Sanjay Prasad, J.) Saket/