

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Revision No.989 of 2016**

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1. Dev Narain Rai @ Dev Narayan Kumar, S/o Jagdish Rai,  
Village- Madhopur Raushan Bheesa, P.S Dumra, Distt.  
Sitamarhi, under guardianship of his father Jagdish Rai, S/o  
late Jageshwar Rai , Resident of Village- Madhopur Raushan  
Bheesa, PS Dumra District Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Md. Arif

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI  
SHARAN SINGH**

ORAL ORDER

2     25-01-2017                      Heard the parties.

The petitioner has been declared to be a  
juvenile. He has been made accused in Sitamarhi P.S.  
Case No. 824 of 2014, corresponding to G.R. No. 3634 of  
2014, registered for the offence punishable under Sections  
363, 366(A) read with Section 34 of the Indian Penal  
Code. He is in under observation for nearly eight months.  
His application for release on bail has been rejected by the  
Juvenile Justice Board, Samastipur *vide* order, dated



28.07.2016, and subsequently by the learned Sessions Judge, Sitamarhi *vide* order, dated 22.08.2016, passed in Cr. Appeal No. 50 of 2016.

The present criminal revision application, under Section 53 of the Juvenile Justice (Care and Protection of Children) Act, 2000, has been filed against the said orders, aforementioned, whereby, the petitioner's application for his release on bail has been refused.

Learned counsel for the petitioner has submitted that considering the statement of the victim, recorded under Section 164 Code of Criminal Procedure, no culpability of the petitioner in commission of the offence surfaces. He has further submitted that it should be in the best interest of juvenile that he will be allowed to live with his parents in the family for his better growth.

Considering the facts and circumstances and the submission so advanced on behalf of the petitioner, in my opinion, the impugned orders, dated 28.07.2016, passed by the Juvenile Justice Board, Sitamarhi, and 22.08.2016, passed by the learned Sessions Judge, Sitamarhi, deserve to be set-aside and are, accordingly, set-aside.

This criminal revision application is allowed.

Let the petitioner be released on bail on



furnishing an affidavit by his father to the effect that he will look after the interest of the petitioner and will not allow him to fall in bad company. In addition to the affidavit, the father of the petitioner will also be required to furnish personal bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Sitamarhi, in connection with Sitamarhi P.S. Case No. 824 of 2014, corresponding to G.R. No. 3634 of 2014. It is made clear that only on furnishing of such affidavit and sureties, the petitioner, above named, shall be released on bail.

**(Chakradhari Sharan Singh, J)**

Praveen-II/-

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