

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.96 of 2018

Arising Out of PS. Case No.-29 Year-2016 Thana- PUPRI District- Sitamarhi

Sonu Sahni @ Sone Lal Sahni son of Ram dayal Sahni resident of village-Haripur, P.S. Puri, District-Sitamarhi under the guardianship of his father-Ramdayal Sahni son of Balesar Sahni a resident of village-Haripur, P.S. Pupri, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Welfare Department, Govt. of Bihar, Patna.
4. The Member Secretary, Bihar State Legal Services Authority Patna, Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha
For the Respondent/s : Mr. Sri Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 26-09-2018 Heard.

The petitioner is admittedly a juvenile. He has remained in custody for more than two years. He is an accused in Pupri P.S. Case No.29 of 2016 registered for the offences punishable under Sections 363 and 366A/34 of the Indian Penal Code. He has been sent up for trial before the Children's Court considering the offence to be heinous. The learned Special Judge (Children's Act), Sitamarhi has dismissed the petitioner's application for release on bail during the pendency of trial by order dated 18.11.2017, which is being impugned in the present application.

Without going into the question as to whether the present revision application against the order of the Children's Court is maintainable or not and as to whether an appeal would



lie against an order passed by the Children's Court, in the background of the fact that the petitioner is a juvenile and has remained in custody for two years and four months, this application is being entertained.

Learned Additional Public Prosecutor, appearing of behalf of the State of Bihar, has informed this court that the charge has yet not been framed.

Considering the above situation, in the Court's opinion the petitioner deserves to be released on bail.

Accordingly, the impugned order dated 18.11.2017 passed by the learned Special Judge (Children's Act) Sitamarhi in Pupri P.S. Case No. 29 of 2016 is set aside. Let the petitioner, above named be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each, to the satisfaction of the learned Principal Magistrate, JJ Board Sitamarhi in connection with JJB Case No. 1493 of 2016 arising out of Pupri P.S. Case No. 29 of 2016.

(Chakradhari Sharan Singh, J)

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