

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.73 of 2020

Arising Out of PS. Case No.-37 Year-2018 Thana- PARAIYA District- Gaya

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KUNDAN KUMAR Son of Ambika Prasad Resident of Village - Manjhar,
P.S.- Paraiya, Distt - Gaya, under the guardianship of his mother namely
Manju Devi, wife of Ambika Prasad, Resident of Village - Manjhar, P.S.-
Paraiya, Distt - Gaya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Respondent/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 10-07-2020 Heard Mr. Manish Kumar No. 2, learned counsel

for the juvenile/petitioner and Mr. Umeshanand Pandit,

learned counsel for the State.

The petitioner was declared a juvenile and at the

time of the occurrence, he was more than 16 years of age.

His implication in the present case is with respect to an

offence under Sections 304 (B) and 34 of the Indian Penal

Code (Paraiya P.S. Case No. 37 of 2018).

The petitioner is stated to be the younger

brother of the husband of the deceased and has also been

attributed with the act of assisting the accused persons in



burning the deceased.

Mr. Manish Kumar No. 2, learned counsel for the juvenile/petitioner submits that only because the applicant is one the members of the family, he has been made accused in this case.

From the perusal of the order passed by the Juvenile Justice Board as also of the Appellate Court, it appears that the considerations under Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 have been made by the Juvenile Justice Board as also by the Appellate Court. However, there is nothing on record to justify the consideration of the Appellate Court that in case of release of Juvenile on bail, the ends of justice would be defeated and the best interest of the juvenile would not be sub-served.

Considering the afore-stated facts and taking into account that the juvenile/petitioner is in remand home since 24.07.2019, he is directed to be released from the remand home on his maternal uncle, Krishna Prasad furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the Juvenile Justice Board, Gaya in connection with Paraiya P.S. Case No. 37 of 2018.

Aforesaid Krishna Prasad at the time of the filing of the bonds, shall also give an undertaking that he shall take good care of the juvenile/petitioner and in case the juvenile/petitioner does not pay heed to his advice, he would report such matter forthwith to the Officer-in-Charge of the concerned police station.

With the aforesaid observation and direction, the present revision petition is allowed.

(Ashutosh Kumar, J)

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