

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3357 of 2021

In
CRIMINAL REVISION No.364 of 2020

Arising Out of PS. Case No.-501 Year-2019 Thana- BETTIAH CITY District- West
Champanan

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Parwej Alam Son of Late Md. Shaheed @ Md. Sahid Resident of Mohalla -
Ganj No. 2, Najni Chowk, Bettiah, Police Station - Bettiah (Town), District -
West Champanan.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Amrendra Nath Verma
For the Respondent/s : Mr. Addl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5. 19-01-2022 The matter is placed through video conferencing.

Defects, pointed out by the office, shall be removed
within a period of two weeks after start of physical court.

Learned counsel for the appellant submits that the
prayer for bail of this appellant (juvenile) has been rejected by
the learned court below considering the merit of the case, which
is against the mandate of law, the same is not sustainable. The
order of the lower Appellate Court does not reveal that the case
was covered under proviso to Section 12 of the Juvenile Justice
(Care and Protection of Children) Act, 2015. Appellant is in
custody since 06.07.2019.



Since the impugned order is against the mandate of law, it is not sustainable. Accordingly, impugned order is quashed and criminal appeal is allowed.

Let the above-named appellant is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. District & Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran / concerned court in connection with Spl. Case No. 7 of 2019, arising out of Bettiah (Town) P.S. Case No. 501 of 2019, subject to condition that *one of the bailor would be parent / family member of the appellant, who would file an affidavit giving an undertaking to the effect that he will take care of good behaviour and child's well-being and will not allow him to go in the company of bad elements.*

(Prabhat Kumar Singh, J)

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