

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.38 of 2024

Arising Out of PS. Case No.-196 Year-2019 Thana- MOKAMAH District- Patna

MD. IRFAN @ MD. IRFAN ALI S/O AHAMAD MIAN @ AHAMAD
SHAH R/O VILLAGE- MEKRA DIH, P.S- MOKAMA, DISTT.- PATNA
THROUGH HIS LEGAL GUARDIAN/FATHER NAMELY AHMAD MIAN
@ AHAMAD SAH AGED ABOUT 45 YRS, S/O ASHRAF SAH, R/O
VILLAGE- MEKRA DIH, P.S- MOKAMA, DISTT.- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Priyanka Singh
For the Respondent/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 02-05-2024 Heard the parties.

2. This application has been filed on behalf of the petitioner against the order dated 10.11.2023 passed in Cr. Appeal No. 174 of 2023 passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge, Juvenile Court, Patna by which the learned Special Judge has affirmed the order dated 20.09.2023 passed by the learned Juvenile Justice Board in Juvenile Justice Board Case No. 300 of 2022 arising out of Mokama P.S. Case No. 196 of 2019.

3. As per the prosecution case, the petitioner is accused of kidnapping the victim girl.

4. Learned counsel for the petitioner has submitted



that the petitioner has been held to be juvenile and on the date of occurrence he has been assessed to be aged about 17 years 7 months and 20 days.

5. Learned counsel for the petitioner further relies upon the provisions of the Section 3(i), (iv), (v) and (xiv) of the Juvenile Justice (Care and Protection of Children) Act, 2015. He also relies upon Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and has submitted that bail is a rule and denial of bail to a juvenile is an exception.

6. He further submits that though the petitioner is in conflict in law but he has remained in jail since 23.08.2019 and the Court below has not considered the law with regard to the release of juvenile under the Juvenile Justice (Care and Protection of Children) Act, 2015.

7. Learned counsel for the petitioner further submits that family members of the petitioner including the father of the petitioner will take care of the petitioner so that he may not do any further crime and he may not remain in the company of the criminals.

8. Considering the aforesaid facts, this application is allowed.

9. Let the petitioner, above named, be released on



bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Principal Juvenile Justice Board, Gaya Ghat, Patna in connection with J.J.B. Case No. 300 of 2022 subject to the following conditions:-

(i) that one of the bailors should be the father of the petitioner;

(ii) that the father of the petitioner shall file an affidavit before the concerned Court below, giving specific undertaking that after release of the petitioner on bail, he will take proper care of the petitioner and will not allow him to fall into bad company.

(Sandeep Kumar, J)

Vikas/-

U		T	
---	--	---	--

