

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.69 of 2024

Arising Out of PS. Case No.-177 Year-2021 Thana- SIDHWALIYA District- Gopalganj

Sonu Kumar @ Nitish Kumar Son of Sri Birendra Mahto Under Guardianship of his mother namely Rupnavati Devi, W/o Sri Birendra Mahto, R/o vill - Salempur, P.s. - Sidhwaliya, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey
For the Respondent/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 25-06-2024 Heard the parties.

2. The present application has been filed against the judgment and order dated 23.11.2023 passed in Cr. Appeal No. 42 of 2023 arising out of Sidhwaliya P.S. Case No. 177 of 2021 u/s 341, 323, 324, 307, 364, 506, 504/34 of the IPC and subsequently Section 302, 201 of the I.P.C. was also added by which under Criminal Appeal filed on behalf of the petitioner for grant of bail has been dismissed and the order passed by the Juvenile Justice Board dated 12.06.2023 and 11.07.2023 have been upheld and confirmed and further for setting aside the order dated 12.06.2023 and 11.07.2023 passed by the Juvenile Justice Board, Gopalganj in J.E No. 109 of 2023 by which the prayer of the petitioner was rejected by the Board.



3. As per the prosecution case, the petitioner is said to have assaulted the son of the informant.

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 aged about 15 years

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 06.04.2023 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 mother 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 Juvenile Justice Board, Gopalganj/concerned Court below in connection with Sidhwaliya P.S. Case No. 177 of 2021 subject to the following conditions:-

- (i) that one of the bailors should be the mother of the petitioner;
- (ii) that the mother of the petitioner shall file an affidavit before the concerned Court below, giving specific undertaking that after release of the petitioner on bail, she will take proper care of the petitioner and will not allow him to fall into bad company;
- (iii) that after being released on bail, the petitioner will mark his attendance at *Sidhwaliya* police station on first and third Sunday of the month. Any default in appearance at the police station will result in cancellation of bail bonds of the petitioner.

(Sandeep Kumar, J)

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