

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.140 of 2024**

Arising Out of PS. Case No.-262 Year-2023 Thana- SULTANGANJ District- Bhagalpur

Ritik Kumar @Beltha SON OF SARJUN SAH @ SARJUN PRASAD SAH
UNDER GUARDIAN VEENA DEVI AGE 43 (MOTHER) WIFE OF
SARJUN SAH @ SARJUN PRASAD SAH RESIDENT OF VILLAGE-
ABJUGANJ, PS- SULTANGANJ, DISTT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar
For the Respondent/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 02-05-2024 Heard the parties.

2. This application has been filed against the order dated 22.1.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Children Court, Bhagalpur in Cr. Appeal No. 89 of 2023 by which the learned Special Judge has affirmed the order dated 24.11.2023 passed by the learned Principal Magistrate, Bhagalpur in JJB No. 233 of 2023 arising out of Sultanganj P.S. Case No. 262 of 2023 registered for the offence under Section 302/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is accused of killing the deceased.

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 17 years, 3 months and 14 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/remand home since 22.5.2023 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 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 Juvenile Justice Board, Bhagalpur in connection with Sultanganj P.S. Case No. 262 of 2023 / JJB No. 233 of 2023 (G.R. No. 2613 of 2023) 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;

(iii) that after being released on bail, the petitioner will mark his attendance at Sultanganj police station on first and third Sunday of each 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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