

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.137 of 2024

Arising Out of PS. Case No.-709 Year-2022 Thana- GOPALPUR District- Patna

Saurabh Kumar @ Saurav Kumar Son of Om Prakash Resident of Village-
Prem Nagar, Chak Bairiya, Police Station- Gopalpur, District- Patna, through
his father Om Prakash

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Syed Alamdar Hussain Mr. Shashi Bhushan Kumar Mr. Prem Kumar Mr. Alok Kumar
For the Respondent/s	:	Dr. Indivar Kumari

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 4.12.2023 passed by the Additional District and Sessions Judge-I-cum-Special Judge, Children Court, Patna in Cr. Appeal No. 193 of 2023 by which the learned Special Judge has upheld the order dated 16.10.2023 passed by the Juvenile Justice Board, Patna in JJB Case No. 15 of 2023 arising out of Gopalpur P.S. Case No. 709 of 2022 registered for the offence under Sections 341, 323, 302, 34 of the Indian Penal Code and under Section 25 (1-b)a, 26, 27, 35 of the Arms Act.

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 about 16 years, 2 months and 3 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 8.1.2023 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, Patna in connection with JJB Case No. 15 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 Gopalpur police station on first 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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