

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.143 of 2024

Arising Out of PS. Case No.-17 Year-2023 Thana- RAGHOPUR District- Supaul

Md. Nur Salam @ Md. Noor Salam Son Of Md. Mikail @ Md. Nikhail
Through Its Legal Guardian Mahfuja Khatun, Aged About 42 Years, Female,
Wife Of Md. Mikail @ Md. Nikhail, Resident Of Village - Bengaipatti, Ward
No.5, P.S. - Raghapur, District - Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the State : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 30-04-2024 Heard the parties.

2. This Criminal Revision is being filed against the order dated 15.12.2023 passed by the Learned Court of Additional Sessions Judge -Ist Cum Presiding Officer- Children Court, Raghapur in connection with Cr. Appeal No.47/2023 arising out of Supaul P.S. case No. 17/2023 for the offence under Section 147, 148, 149, 341, 323 324, 302 of the Indian Penal Code whereby and where-under the learned court has rejected the bail application of the Juvenile petitioner and also against the order dated 29.09.2023 vide G. R. No. 52/2023 E. R. No. 554/2023 passed by the Juvenile Board, Supaul, in Raghapur P.S. Case No. 17 of 2023 whereby the learned Court has rejected the prayer for bail of juvenile petitioner.



3. As per the prosecution case, the petitioner is accused of participating in the murder of 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 aged approx 16 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 14.01.2023 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, Supaul/concerned Court below in connection with Raghapur P.S. Case No. 17 of 2023 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 Raghapur police station on every 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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