

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.166 of 2024

Arising Out of PS. Case No.-93 Year-2020 Thana- NAUBATPUR District- Patna

DEEPAK KUMAR S/O RAMAKANT SHARMA R/O VILLAGE-
BENIBIGHA, P.O- AKSHAIBAR PIPRA, P.S- BIKRAM, DISTT.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mayank Raj

For the Respondent/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 25-06-2024 Heard the parties.

This application has been filed against the order dated 10.11.2023 in Cr. Appeal No. 175 of 2023 passed by the learned District and Sessions Judge, Patna by which the court below has not considered the application of the petitioner and affirmed the order dated 24.06.2023 passed by the learned Children Court, Patna.

3. As per the prosecution case, the petitioner is alleged to have killed 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 about 17 years 2 months and 22 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 12.08.2020 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/concerned Court below in connection with Naubatpur P.S. Case No. 93 of 2020 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 Bikram 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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