

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.187 of 2024

Arising Out of PS. Case No.-234 Year-2023 Thana- RAGHOPUR District- Supaul

NIRAJ KUMAR, Male, aged about 16 years, Son of Brahamdev Yadav Resident of Village-Koriyapatti, Ward No.-6, P.S.-Raghopur, District-Saharsa through he legal guardianship (Father) namely Brahamdev Yadav, aged about 64 years, Son of Sukal Yadav, Resident of Village-Koriyapatti, Ward No.-6, P.S.-Raghopur, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Respondent/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 06-05-2024 The defect is ignored.

2. Heard the parties.

3. This is an application for regular bail of the petitioner by way of this Criminal Revision against the order dated 05.09.2023 passed by the Juvenile Justice Board, Supaul in J.J.B. Case No. 171 of 2023, arising out of Raghopur P.S. Case No. 234 of 2023 offence under Sections 147, 148, 149, 323, 324, 341, 307, 302, 504, 506 of the Indian Penal Code, whereby the Juvenile Justice Board Supaul rejected the bail of petitioner on 05.09.2023 then the petitioner filed an appeal vide Criminal Appeal No. 44 of 2023, which was also rejected on 17.01.2024 by the learned Additional Session Judge Ist-cum-Presiding Officer, Children Court, Supaul.



4. As per the prosecution case, the petitioner is accused of participating in the killing on account of a dispute over drainage.

5. 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 16 years.

6. 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.

7. He further submits that though the petitioner is in conflict in law but he has remained in jail since 06.07.2023 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.

8. Learned counsel for the petitioner further submits that family members of the petitioner including the close relative 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.



9.Considering the aforesaid facts, this application is allowed.

10. 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 J.J. Board, Supaul, subject to the following conditions:-

(i) that one of the bailors should be the close relative of the petitioner.

(ii) that the close relative of the petitioner shall be 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 fall into bad company.

(Sandeep Kumar, J)

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