

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.211 of 2024

Arising Out of PS. Case No.-387 Year-2023 Thana- LAHERIYASARAI District- Darbhanga

MD. SAQUIB REZA SON OF ALAMGIR R/O-NAYATOLA, WARD NO. 31, P.S.-LAHERIASARAI, DISTT.-DARBHANGA. UNDER THE GUARDIANSHIP OF SRI ALAMGIR, AGED ABOUT 50 YEARS, SON OF LAIKAL HUSSAIN, RESIDENT OF LAL BAG JAMALPUR, P.S. - NAYA TOLA, DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Om Prakash
For the Respondent/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 07-05-2024 Heard the parties.

2. This application has been filed for setting aside the impugned order dated 09.01.2024 passed by the learned Sessions Judge, Darbhanga in Cr. Appeal No. 34 of 2023.

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 15 years 4 months.

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 7.8.2023 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 Sessions Judge, Darbhanga in connection with Laheriasarai P.S. Case No. 387 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.

(Sandeep Kumar, J)

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