

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.221 of 2024

Arising Out of PS. Case No.-263 Year-2023 Thana- MADHAURAH District- Saran

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Kundan Kumar Son of Sanjeev Kumar Upadhayay Resident of Village- Deo Bahuara, Police Station- Marhowrah, District- Saran, under the guardianship of his Father

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mili Kumari

For the Respondent/s : Mr.Sunil Kumar Pandey

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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 12.09.2023 passed by learned Additional Sessions Judge-I-cum-Children Court Judge, Saran at Chhapra in Cr. Juvenile Appeal No. 15 of 2023 arising out of Marhowrah P.S. Case No. 263 of 2023 registered for the offence under Sections 363, 302, 201, 120B of the Indian Penal Code by which the order dated 5.8.2023 passed by the Juvenile Justice Board, Saran at Chhapra in JJB Case No. 522 of 2022 has been affirmed and the prayer of the petitioner for grant of bail was dismissed.

3. As per the prosecution case, the petitioner is accused of offence under Section 363, 302, 201, 120B of the Indian Penal Code.



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 17 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 22.05.2023 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, Saran at Chhapra in connection with Marhowrah P.S. Case No. 263 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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