

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.222 of 2024

Arising Out of PS. Case No.-44 Year-2023 Thana- MARAUNA District- Supaul

Sunil Kumar S/o- Ram Kumar Mahto Vill- Sisauni ward no-7 Barhara, Ps-
Marauna Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha

For the Respondent/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 09-05-2024 Heard the learned counsel for the parties.

2. This revision application is being filed for setting aside the order dated 8-2-2024 passed in Cr. Appeal no. 45/2023 passed by learned Additional Sessions Judge, 1st, cum Presiding Officer Children Court Supaul rejected the prayer of bail of petitioner by affirming the order of Juvenile Justice Board, Supaul passed on 23.08.2023 in Marauna P.S. Case no 44/2023, G.R. No-968/2023 registered under section 302, and 34 of the Indian Penal Code and 27 of Arms Act by which order the prayer for bail on behalf of the juvenile petitioner was rejected.

3. As per the prosecution case, the petitioner is accused of participating in the killing of the deceased.

4. Learned counsel for the petitioner has submitted that the petitioner has been held to be juvenile on 05.08.2023



and on the date of occurrence he has been assessed to aged about 14 years 01 months and 19 days. Learned counsel for the petitioner further submits that petitioner has clean antecedent.

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 08.05.2023 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. Learned counsel for the petitioner has also relied upon a judgment of this Court dated 19.09.2023 passed in ***Criminal Revision No. 883 of 2022 (Aryan Kumar Vs. State of***



Bihar) by which a juvenile has been released on bail.

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 Juvenile Justice Board, Supaul/concerned Court below in connection with Cr. Appeal No. 45 of 2023 arising out of Marauna P.S. Case No. 44 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;

(iii) that after being released on bail, the petitioner will mark his attendance at Marauna 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;

(iv) The Juvenile Justice Board before releasing the



petitioner on bail will verify the criminal antecedent of the petitioner. If the petitioner has clean antecedent then his bail bond shall be accepted otherwise his bail bond shall not be accepted.

(Sandeep Kumar, J)

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