

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.292 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- RAFIGANJ District- Aurangabad

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Xxxx Juvenile-in-conflict with Law Son of Kamlesh Mahto @ Kamlesh Kumar R/o Village- Badgao, P.S. Rafiganj, District- Aurangabad under the guardianship of his father Namey Kamlesh Mahto R/o Village- Badgao, P.S. Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Respondent/s : Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 24-06-2024 Defect No. 6(2) is ignored.

This is an application against the order dated 12.03.2024 passed by the Children Court cum 1st Additional District and Sessions Judge, Aurangabad in Cr. Appeal No. 15/2024 arising out of Rafiganj P.S. Case No. 14 of 2024, JJB No. 1275 of 2023 by which the court below has rejected the appeal preferred against the order dated 05.02.2024 passed by the Juvenile Justice Board, Aurangabad in J.J.B. No. 1275 of 2023.

3. As per the prosecution case, the petitioner is alleged to have assaulted the informant.

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 11 months and 18 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 20.01.2024 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, Aurangabad/concerned Court below in connection with JJB No. 1275 of 2023 arising out of Rafiganj P.S. Case No. 14 of 2024 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 Rafiganj 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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