

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.306 of 2024

Arising Out of PS. Case No.-241 Year-2022 Thana- KHAJAULI District- Madhubani

Sonu Kumar Paswan @ Madan Paswan Minor Son of Late Bhudhan Paswan
Minor under the guardianship of his mother Pramila Devi, Aged about 36
years Female, Wife of Late Bhudhan Paswan, Resident of Ward No.- 09,
Village - Silra, P.S.- Jaynagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan
For the Respondent/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is an application against the order dated 22.02.2024 passed in Juvenile Appeal No. 42 of 2023 by the learned 1st Additional Sessions Judge cum Children Court Judge, Madhubani by which the court below has dismissed the appeal and affirmed the order dated 10.01.2023 passed by the Principal Magistrate, Juvenile Justice Board, Madhubani in G.R. No. 2098 of 2022 arising out of Khajauli P.S. Case No. 241 of 2022 for the offences punishable under Sections 413, 414 and 34 of the Indian Penal Code.

3. 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 13 years 10 months and 04 days.

4. 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.

5. He further submits that though the petitioner is in conflict in law but he has remained in jail since 05.12.2022 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.

6. Learned counsel for the petitioner further submits that family members of the petitioner including the mother 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.

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

8. 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, Madhubani/concerned Court below in connection with G.R. No. 2098 of 2022 arising out of Khajauli P.S. Case No. 241 of 2022 subject to the following conditions:-

(i) that one of the bailors should be the mother of the petitioner;

(ii) that the mother of the petitioner shall file an affidavit before the concerned Court below, giving specific undertaking that after release of the petitioner on bail, she 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 *Jaynagar* 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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