

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 375 of 2024

Arising Out of PS. Case No.-391 Year-2023 Thana- SURYAGARHA District- Lakhisarai

Solo Kumar @ Sumit Kumar @ Solo Son of Tuntun Sao R/O Village- Maula Nagar Jamun Tola, P.S.- Surjagarha (Manikpur), Dist.- Lakhisarai. Through his as Natural Guardian Tuntun Sao son of Late Tilo Saw, R/O Village- Maula Nagar Jamun Tola, P.S.- Surjagarha (Manikpur), Dist.- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Sanjay Prasad, Advocate

For the Respondent/s : Mr Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 22-07-2024

Heard.

2 This revision petition has been preferred by the petitioner (juvenile) assailing the order dated 18.03.2024 passed in Criminal Appeal No 30 of 2023 by Children Court -cum- Additional Sessions Judge I, Lakhisarai whereby and whereunder the appeal filed by the petitioner has been dismissed and order dated 04.12.2023 passed by the JJB, Lakhisarai in JJB Case No 223 of 2023 arising out of Suryagarha (Manikpur) PS Case No 391 of 2023 registered for the offence punishable under Sections 363, 366A of IPC has been upheld.

3 According to the case of the prosecution, on 24.10.2023 at about 7.30 am, the daughter of the informant, i e, a girl of Class IX, without informing anyone in the house, left the house. On suspicion, a report has been lodged by the father of the victim girl against the applicant (juvenile). On the basis



of the said report, a case under Sections 363, 366A of IPC has been registered and the petitioner is in the Observation Home since 27.10.2023. An application for grant of bail has been preferred by the petitioner before the JJB, Lakhisarai which has been rejected by the JJB on 04.12.2023 vide Annexure 2. The same has been assailed before the Court of Session and the learned Sessions Court, vide the impugned order, also rejected the prayer for bail and affirmed the order passed by the JJB.

4 It is submitted by the learned counsel for the petitioner that the petitioner has been held to be juvenile. On the date of occurrence, he has been assessed to be aged as 16 years and 4 days. Relying the provisions of Section 3 (i) (iv) (v) (xiv) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for brevity, *the Act*) and further relying Section 12 of the Act, learned counsel for the petitioner submits that the bail is a rule and denial of bail to the juvenile is exception. It is further submitted that the Social Investigation Report does not suggest anything clearly against the petitioner (juvenile).

5 Learned counsel further submits that the petitioner is in conflict in law but he is in Remand Home since 27.10.2023. Father of the petitioner, who is the natural guardian, is ready to keep the petitioner in his guardianship and



he will not fall in the company of anti social elements.
According to the counsel, the learned Court below has not considered the law with regard to the privilege under the Act.

6 Considering the above facts and further considering the fact that father of the petitioner, who is the natural guardian, is ready to keep the petitioner in his guardianship and also undertake that petitioner will not fall in the company of any anti social elements, this application is allowed.

7 Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of JJB, Lakhisarai in JJB Case No 223 of 2023 arising out of Suryagarha (Manikpur) PS Case No 391 of 2023 subject to the following conditions:

(i) That one of the bailors should be the father of the petitioner, and

(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.

(Arvind Singh Chandel , J)

M.E.H./-

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