

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.406 of 2024

Arising Out of PS. Case No.-4 Year-2023 Thana- BANGAWON District- Saharsa

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Bambam Thakur@ Ayush Kumar SON OF SRI PRAMOD THAKUR @
BALAI THAKUR VILLAGE- CHAINPUR PS- BANGAON, DIST-
SAHARSA THROUGH HIS FATHER AND LEGAL GUARDIAN NAMELY
PRAMOD THAKUR @ BALAI THAKUR SON KALIKANT THAKUR,
VILLAGE- CHAINAPUR, PS- BANGAON, DIST- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Respondent/s : Mr.Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 20-06-2024 Heard the parties.

2. The present application has been filed against the order dated 03.02.2024 passed by learned Additional Sessions Judge-I-cum-Special Judge, Juvenile Court, Saharsa in connection with Cr. Appeal No. 27 of 2023 arising out of Bangaon P.S. Case No. 04 of 2023 by which the learned Judge has affirmed the order dated 01.07.2023 passed by the learned Juvenile Justice Board, Saharsa in JJB Case No. 13 of 2023 rejecting the bail of the petitioner.

3. As per the prosecution case, the petitioner is accused of in a case of murder.



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 10 months and 27 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 11.01.2023 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, Saharsa/concerned Court below in connection with JJB Case No. 13 of 2023 arising out of Bangaon P.S. Case No. 04 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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