

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.454 of 2024

Arising Out of PS. Case No.-271 Year-2023 Thana- BATHNAHA District- Sitamarhi

Sudhir Kumar S/o- Late Sukit Paswan @ Late Sukrit Paswan Village-
Bhagwanpur Ps- Bathnaha Dist- Sitamarhi P/A- Bhagwanpur Ps- Bathnaha
Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar
For the Respondent/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 20-12-2024 Heard the parties.

2. The present application has been filed against the order dated - 29-04-2024 passed in Cr. Appeal no. -11/2024 by the 1st Additional Sessions Judge Cum Special Judge (Children court) Sitamarhi whereby and whereunder the prayer for bail on behalf of petitioner/appellant confirming the rejection order of the prayer for bail by the J.J. Board Sitamarhi vide order dated - 15-03-2024 in J.J. Board Case no. 2335/2023 in connection with Bathnaha P.S. case no. 271/2023 u/s 302/34 of the Indian Penal Code presently pending before the J.J. Board Sitamarhi. Initially the F.I.R. was registered under Section 302/34 of the Indian Penal Code but after investigation chargesheet has been submitted under Sections 341, 323, 304, 504/34 of the IPC and cognizance has been taken under Sections 341,323,304, 504/34 of the IPC.

3. As per the prosecution case, the petitioner is



accused 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 be less than eighteen years.

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 08.12.2023 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 and the order dated 29.04.2024 passed in Cr. Appeal no.



11/2024 by 1st Additional Sessions Judge Cum Special Judge (Children court) Sitamarhi arising out of Bathnaha P.S. case no. 271/2023 as well as the order dated 15-03-2024 passed by the J.J. Board Sitamarhi in J.J. Board Case no. 2335/2023 in connection with Bathnaha P.S. case no. 271/2023 is hereby set aside.

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, Sitamarhi/concerned Court below in connection with Bathnaha P.S. Case No. 271 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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