

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL REVISION No.666 of 2024**

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

Shiva Kumar @ Billa Kumar @ Shiva Kumar Kamat @ Billa Son of Lalan Kamat R/O Vill.- Chainpur, P.S.- Bangaon, Dist.- Saharsa. Through Father and Guardian Lalan Kamat Aged about 41 Years, Male, Son of Rameshwar Kamat, R/O Vill.- Chainpur, P.S.- Bangaon, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Satish Kumar Singh  
For the Respondent/s : Mr.Jagdhar Prasad

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

2      25-10-2024                      Heard the parties.

2. The present application has been filed against the order dated 24.03.2023 passed in JJB No. 4 of 2023 by Juvenile Justice Board, Saharsa arising out of Bangaon Police Station Case No. 4 of 2023 under Section 302, 120B/34 of the Indian Penal Code and also for setting aside the order dated 3.2.2024 passed in Cr. Appeal No. 11 of 2023 by learned Additional Sessions Judge-Ist-cum-Juvenile Court, Saharsa by which the appellate Court has affirmed the order dated 24.03.2023.

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 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. 4 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)**

Vikas/-

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