

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.686 of 2024

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

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Ajay Kumar @ Ajay Kumar Pandit S/o Sri Ram Dev Pandit R/o vill - Chainpur, P.S. - Bangaon, Distt. - Saharsa, through his father and legal guardian, namely Ram Dev Pandit, S/o Baldev Pandit, R/o vill - chainpur, P.S. - Bangaon, Distt. - 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. Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 31-08-2024 Heard the parties.

2. The present application has been filed for grant of Regular Bail to the Juvenile (petitioner) against the order dated 03.02.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Juvenile Court, Saharsa in Cr. Appeal No. 11 of 2023, affirming the order dated 24.03.2023 passed by the learned Juvenile Justice Board, Saharsa in J.J.B. Case No. 04 of 2023, wherein bail of the petitioner, was rejected in connection with Bangaon P.S. Case No. 04 of 2023 registered under Sections 302, 120(B), 34 of the Indian Penal Code.

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 aged about 13 years 05 months.

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 is in custody since 12.01.2023 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 and the impugned order dated 03.02.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge,



Juvenile Court, Saharsa in Cr. Appeal No. 11 of 2023, affirming the order dated 24.03.2023 passed by the learned Juvenile Justice Board, Saharsa in J.J.B. Case No. 04 of 2023 is hereby set aside.

9. Accordingly, 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 J.J.B. Case No. 04 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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