

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.589 of 2023

Arising Out of PS. Case No.-121 Year-2020 Thana- PIPRA District- Supaul

NITISH KUMAR son of Lal Mohan Mandal Village- Navtol Thumha W.No-6, Ps- Pipra Dist- Supaul, through its Legal Guardian Lal Mohan Mandal Son of Neva Lal Mandal, R/o- Navtol Thumha W.No-6, Ps- Pipra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Respondent/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 29-04-2024 Heard the parties.

This application has been filed against the order dated 9.5.2023 passed by Additional Sessions Judge-I-cum-Presiding Officer, Juvenile Justice, Supaul in connection with Cr. Appeal No. 32 of 2022 arising out of Pipra P.S. Case No. 121 of 2020 registered for the offence under Sections 302/34 of the Indian Penal Code and he has confirmed the order dated 30.08.2022 passed in Pipra P.S. Case No. 121 of 2020.

3. As per the prosecution case, the petitioner is accused of participating in the killing of the deceased.

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 3



months and 4 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 30.08.2022 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



Additional Sessions Judge-I-cum-Presiding Officer, Juvenile Justice, Supaul/concerned Court below in connection with Juvenile G.R. No. 4670 of 2021 arising out of Muffasil P.S. Case No. 479 of 2021 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;

(iii) that after being released on bail, the petitioner will mark his attendance at Pipra police station on every Sunday of the month. Any default in appearance at the police station will result in cancellation of bail bonds of the petitioner.

(Sandeep Kumar, J)

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