

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.651 of 2023

Arising Out of PS. Case No.-25 Year-2023 Thana- BARHIYA District- Lakhisarai

SHRAWAN KUMAR @ SHRAWA KUMAR son of Ramswarath Singh
Village- Khutha Pashmi Ps- Barahiya Dist- Lakhisarai under the guardianship
of his cousin brother namely raj kumar son of Dukharam singh R/o- Sipara
Road no-1, Near Sarita SAdan Ps- gopalpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar
For the Respondent/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 09-05-2024 Heard the learned counsel for the parties.

2. The present application has been filed for setting aside the order dated 27.07.2023 passed in Criminal Appeal No. 16 of 2023 by learned Additional District and Sessions Judge-I-cum-Special Court, Lakhisarai and also against the order dated 08.05.2023 passed by the Juvenile Justice Board, Lakhisarai in Cr. Case (Juvenile) No. 17 of 2023, arising out of Barahiya P.S. Case No. 25 of 2023 registered for the offences under Sections 363, 365, 120B of the I.P.C. Though earlier the case was filed under Section 363, 365, 120B of the I.P.C but the chargesheet has been submitted under Section 363, 304, 201, 120B/34 of the IPC.

3. As per the prosecution case, the petitioner is



accused of kidnapping the minor daughter of informant.

4. Learned counsel for the petitioner has submitted that the petitioner has been held to be juvenile on 17.04.2023 and on the date of occurrence he has been assessed to aged about 16 years 25 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 31.01.2023 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 cousin brother 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. Learned counsel for the petitioner has also relied



upon a judgment of this Court dated 19.09.2023 passed in ***Criminal Revision No. 883 of 2022 (Aryan Kumar Vs. State of Bihar)*** by which a juvenile has been released on bail.

9. Considering the aforesaid facts, ***this application is allowed.***

10. 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, Lakhisarai/concerned Court below in connection with Barahiya P.S. Case No. 25 of 2023 subject to the following conditions:-

(i) that one of the bailors should be the cousin brother of the petitioner;

(ii) that the cousin brother 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 Gopalpur police station, Patna 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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