

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.682 of 2023

Arising Out of PS. Case No.-461 Year-2022 Thana- BELHAR District- Banka

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GULSHAN KUMAR Son of Ramesh Pandit Resident of Village Bara, Police Station-Belhar, District-Banka through Gita Devi (Female) aged about-48 years, Wife of Ramesh Pandit, Resident of Village-Bara, P.S.-Belhar, District-Banka, mother guardian and next friend of petitioner.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. GULABI PUJAR @ GULABI KHAIRA Son of Late Rambal Khaira Resident of Village-Bara, P.O. Bara, District-Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 07-05-2024 Heard the parties.

2. This application has been filed against the Judgment dated 17.07.2023 passed by learned Additional Sessions Judge I, Banka in Cr. Appeal No. 13 of 2023 by which the order dated 06.06.2023 passed by the Juvenile Justice Board, Banka in JJB No. 523 of 2023 arising out of Belhar P.S. Case No. 461 of 2022 has been affirmed and the bail application of the petitioner has been rejected.

3. As per the prosecution case, the petitioner is accused of killing 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 be aged about 17 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 9.5.2023 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 mother 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, Banka in connection with JJB No. 523 of 2022 arising out of Belhar P.S. Case No. 461 of 2022 subject to the following conditions:-

- (i) that one of the bailors should be the mother of the petitioner;
- (ii) that the mother 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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