

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.663 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- BANDHUWA KURAWA District- Banka

PRAVEEN KUMAR @ Raveen kumar SON OF RANJAN KUMAR
CHOUDHARY RESIDENT OF VILLAGE JABRA, PO BOUNSI, PS
BOUNSI, DISTRICT-BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Respondent/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 30-04-2024 Heard the parties.

2. This application has been filed against the impugned judgment of appellate Court dated 20.07.2023 passed by the learned Additional Sessions Judge-I, Banka in Criminal Appeal No. 12 of 2023 by which the learned Additional Sessions Judge has affirmed the order of rejection of bail of the petitioner by the Juvenile Justice Board, Banka passed in JJB No. 491 of 2023 in connection with Bandhua Kurawa P.S. Case No. 37 of 2023 registered for the offence under Sections 302, 392, 34 of the Indian Penal Code and under Sections 25(1-b)a, 26, 27, 35 of the Arms Act.

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.

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 16.04.2023 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. Learned counsel for the petitioner has also relied upon a decision of this Court dated 4.4.2024 passed in Cr. Revision No. 613 of 2023.

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, Banka/concerned Court below in connection with JJB No. 491 of 2023 arising out of Bandhua Kurawa P.S. Case No. 37 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;

(iii) that after being released on bail, the petitioner will mark his attendance at Bounsi 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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