

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.890 of 2024

Arising Out of PS. Case No.-404 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Sonu Kumar Son of Manoj Mahto Through his Guardianship his father
namely Manoj Mahto, S/O Nandlal Mahto, R/O Vill.- Paharchak, Ward no.
27, P.S.- Muffasil, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar
For the Respondent/s : Mr.Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 25-10-2024 Heard the parties.

2. The present application has been filed against the
order dated 27.08.2024 passed by the learned Additional
Sessions Judge-1st-cum-Special Judge, Juvenile Court, Begusari
in JJCP Case No. 5 of 2024 arising out of Begusarai Muffasil
Case No. 404 of 2023 registered for the offence under Section
302/34 of the Indian Penal Code and under Section 27 of the
Arms Act.

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 about less than 18 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 27.07.2023 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.

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-1st-cum-Special Judge, Juvenile



Court/concerned Court below in connection with JJCP Case No. 05 of 2024 arising out of Begusarai Muffasil P.S. Case No. 404 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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