

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No 723 of 2023

Arising Out of PS. Case No.-263 Year-2023 Thana- MADHAURAH District- Saran

Vikesh Kumar son of Chhathu Mahto Village- Dev Bahuara Ps- Mar Owrah
Dist- Saran under guardianship of father Chhathu Mahto

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Ashok Kumar Mishra, Advocate
For the Respondent/s : Mr Atul Chandra, APP

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL ORDER

3 09-07-2024 Heard.

2 This revision petition has been filed against the order dated 22.09.2023 passed in Criminal Appeal No 17 of 2023 by Children Court -cum- Additional Sessions Judge I, Saran at Chapra whereby and whereunder the appeal filed by the petitioner has been dismissed and order dated 05.08.2023 passed by the JJB, Saran at Chapra in JJB Case No 522 of 2022 arising out of Marhowrah PS Case No 263 of 2023 registered under Sections 363, 302, 201 and 120B of IPC has been upheld.

3 It is submitted by the learned counsel for the petitioner that the petitioner has been held to be juvenile. On the date of occurrence, he has been assessed to be aged about 17 years. Relying the provisions of Section 3 (i) (iv) (v) (xiv) of



the Juvenile Justice (Care and Protection of Children) Act, 2015 (for brevity, *the Act*) and further relying Section 12 of the Act, learned counsel for the petitioner submits that the bail is a rule and denial of bail to the juvenile is exception.

4 Learned counsel further submits that the petitioner is in conflict in law but he is in Remand Home since 19.05.2023. Father of the petitioner, who is the natural guardian, is ready to keep the petitioner in his guardianship and he will not fall in the company of anti social elements. According to the counsel, the learned Court below has not considered the law with regard to the privilege under the Act.

5 Considering the above facts and further considering the fact that father of the petitioner, who is the natural guardian, is ready to keep the petitioner in his guardianship and also undertake that petitioner will not fall in the company of any anti social elements, this application is allowed.

6 Let the petitioner above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of JJB, Saran at Chapra in JJB Case No 522 of 2023 subject to the following conditions:

(i) That one of the bailors should be the father of the petitioner, and



(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.

(Arvind Singh Chandel, J)

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