

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.624 of 2023

Arising Out of PS. Case No.-794 Year-2022 Thana- KRITYANAND NAGAR District-
Purnia

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CHHOTU KUMAR Son of Late Ganesh Ram VILLAGE KAKORA WARD
NO 7 POLICE STATION MAHALGAON, DISTT - ARARIA, THROUGH
HIS NATURAL GUARDIAN BUDHRI DEVI W/O LATE GANESH RAM
AGED 34 YEARS (FEMALE), R/O VILL - KAKORA, WARD NO. 7, P.S. -
MAHALGAON, DISTT. - ARARIA

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vikram Singh
For the Respondent/s : Mr.Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 02-05-2024 Heard the parties.

2. This case has been filed for setting aside the orders dated 1.6.2023 and 21.03.2023 passed in Cr. Appeal No. 14 of 2023 and Gr. Case No. 6519 of 2022 (K. Nagar P.S. Case No. 794 of 2022) by 1st Additional Sessions Judge-cum-Special Judge, Purnia and Juvenile Justice Board, Purnia respectively by which the prayer of the petitioner for grant of bail on the ground of juvenility has been rejected.

3. As per the prosecution case, the petitioner is accused of kidnapping the victim girl.

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 16 years and 7 months.

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 28.12.2022 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, Purnea in connection with G.R. No. 6519 of 2022 (K. Nagar P.S. Case No. 794 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, she 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 Mahalgaon 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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