

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.910 of 2022

Arising Out of PS. Case No.-479 Year-2021 Thana- GAYA MUFASIL District- Gaya

AMRIT KUMAR @ CHUHWASon of Ramji Saw Resident of Mohalla- Sudi
Tola, P.O.- Buniyadganj Manpur, P.S.- Mufassil Gaya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Tiwary Mr. Sanjeev Kumar Mr. Mukesh Kumar Mr. Priya Ranjan
For the Respondent/s	:	Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 29-04-2024 Heard the parties.

2. The present application has been filed for setting aside the order dated 21.10.2022 passed in Jevenile Appeal No. 18 of 2022 passed by the learned Special Judge, Children Court, Gaya by which he has affirmed the order dated 13.09.2022 passed by the learned Principal Magistrate, Juvenile Justice Board, Gaya in G.R. No. 4670 of 2021 arising out of Muffasil P.S. Case No. 479 of 2021 registered for the offence under Sections 302/120B/34 of the Indian Penal Code and under Section 27 of the Arms Act. Both the Courts below have refused to release the petitioner on bail.

3. As per the prosecution case, the petitioner is



accused of participating in the murder 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 16 years 3 months and 29 days.

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 28.04.2022 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 brother 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 judgment of this Court dated 19.09.2023 passed in ***Criminal Revision No. 883 of 2022 (Aryan Kumar Vs. State of Bihar)*** by which another co-accused who was also a juvenile has been released on bail.

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 Board, Gaya/concerned Court below in connection with Juvenile G.R. No. 4670 of 2021 arising out of Muffasil P.S. Case No. 479 of 2021 subject to the following conditions:-

(i) that one of the bailors should be the brother of the petitioner;

(ii) that the brother 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 Gaya Muffasil 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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