

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.794 of 2023

Arising Out of PS. Case No.-730 Year-2022 Thana- SAHARSA SADAR District- Saharsa

MD. KAIF ALI @ MD. KAIF S/O MOHAMMAD SHAJID ALI UNDER
GUARDIANSHIP OF HIS NATURAL GUARDIAN FATHER MOHAM-
MAD ISTAYQUE ALI, S/O MOHAMMAD SHAJID ALI, R/O VILLAGE-
SAHARSA BASTI, WARD NO. 38, PS. SAHARSA, DIST. SAHARSA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Respondent/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 30-04-2024 Heard the parties.

2. This application has been filed against the order dated 12.09.2023 passed by the learned Additional Sessions Judge-1st-cum-Children Court, Saharsa in Cr. Appeal No. 05 of 2023 as well as against the order dated 9.1.2023 passed by the learned Principal Magistrate, Juvenile Justice Board, Saharsa in JJB No. 180 of 2022 arising out of Saharsa Sadar P.S. Case No. 730 by which the Court below has rejected the prayer of the petitioner.

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 13 years 6 months and 7 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 22.10.2022 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 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 Juvenile Justice Board, Saharsa/concerned Court below in connection with JJB No. 180 of 2022 arising out of Saharsa Sadar P.S. Case No. 730 of 2022 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 Saharsa 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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