

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.25 of 2024

Arising Out of PS. Case No.-401 Year-2023 Thana- RAMPUR District- Gaya

SANTU KUMAR @ SHANTU KUMAR (MINOR) SON OF JITENDRA YADAV R/O VILLAGE- SONA BIGHA, P.S.- CHANDAUTI, DIST.- GAYA, UNDER THE GUARDIANSHIP OF HIS FATHER JITENDRA YADAV, S/O KAILASH YADAV, R/O VILLAGE- SONA BIGHA, P.S.- CHANDAUTI, DIST.- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Manisha Prakash
For the Respondent/s	:	Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 02-05-2024 Heard the parties.

2. This application has been filed on behalf of the petitioner against the order dated 22.11.2023 passed by learned Special Judge (Children Court), Gaya in Juvenile Appeal No. 57 of 2023 in connection with Rampur P.S. Case No. 401 of 2023 by which the learned Special Judge has affirmed the order dated 13.10.2023 passed by the learned Juvenile Justice Board, Gaya by which the bail application of the petitioner has been rejected.

3. As per the prosecution case, the petitioner is suspected to have killed 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 be aged about 15 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 7.7.2023 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



Principal Judicial Magistrate, Juvenile Justice Board, Gaya in connection with Rampur P.S. Case No. 401 of 2023 / Misc. Case No. 260 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;

(iii) that after being released on bail, the petitioner will mark his attendance at Chandhauti 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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