

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.481 of 2024

Arising Out of PS. Case No.-4 Year-2023 Thana- BANGAWON District- Saharsa

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Ankit Kumar Thakur @ Ankit Kumar S/o Hemchandra Thakur @ Tipu Thakur R/o chainpur, ward no.- 04, P.S.- Bangoan, District-Saharsa. Living under guardianship of his father namely Hemchandra Thakur @ Tipu Thakur aged about 49 yrs, (M), S/O Rajendra Thakur, R/O Village- Chainpur, Ward No. 04, P.S- Bangaon, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kanchan Jha, Advocate

For the Respondent/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 17-01-2025 Heard the parties.

2. The present application has been filed for grant of Regular Bail to the Juvenile (petitioner) against the order dated 03.02.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Juvenile Court, Saharsa in Cr. Appeal No. 15 of 2023, by which the order dated 01.05.2023 passed by the Principal Magistrate, Juvenile Justice Board, Saharsa, arising out of Bangaon P.S. Case No. 04 of 2023 lodged for the offences u/ss 302, 120B, 34 of the Indian Penal Code has been rejected as well as to set aside the order dated 03.02.2024 passed by Principal Magistrate, Juvenile Justice Board, Saharsa in Bangaon P.S. Case No. 04 of 2023 refusing the bail of the petitioner.

3. As per the prosecution case, the petitioner is



accused in a case of murder.

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 17 years 08 months, 4 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 is in custody since 12.01.2023 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 and the impugned order dated 03.02.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Juvenile Court, Saharsa in Cr. Appeal No. 15 of 2023 preferred against the order dated 01.05.2023 passed by the Principal Magistrate, Juvenile Justice Board, Saharsa in Bangaon P.S. Case No. 04 of 2023 is hereby set aside.

9. Accordingly, 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 Magistrate, Juvenile Justice Board, Saharsa/concerned Court below in connection with Bangaon P.S. Case No. 04 of 2023 subject to the following conditions:-

(i) that one of the bailors should be the blood relative 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.

(Sandeep Kumar, J)

Ranjeet/-

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