

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2615 of 2019

Arising Out of PS. Case No.-201 Year-2018 Thana- BELSAND District- Sitamarhi

CHANDAN KUMAR Minor Son of Binod Sah, Under the Natural Guardianship of Sitaram Sah, grandfather of the appellant, Resident of Village- Marar, P.S.- Belsand, Dist.- Sitamarhi.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Uday Kumar, Adv

For the Respondent/s : Mr.Zeyaul Hoda, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 24-02-2020 Heard learned counsel for the parties.

This is an appeal under Section 101 (5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 against refusal of prayer for bail by the learned Children Court in connection with Belsand P.S.Case No.201 of 2018 by order dated 03.05.2019.

Suspicion is there against the appellant and his father of commission of murder. Father of the appellant is already on bail.

Hence, there is no reason to keep a juvenile behind the bar.

Learned counsel for the informant submits that the trial is at the verge of conclusion as the case is fixed for final



argument.

The law relating to consideration of prayer for bail of a juvenile stands on quite different footing and the consideration cannot be institutionalized for the apparent reason that the Juvenile Justice (Care and Protection of Children) Act clearly says that a juvenile cannot be refused prayer for bail only on the ground of seriousness of the allegation. Moreover, the adult accused is already availing the privilege of bail.

Accordingly, the impugned order is hereby set aside and the appellant is directed to be released at once on execution of surety bond by a near relative of the appellant giving undertaking that he/she shall keep proper care and upkeep of the appellant and shall fully cooperate in the pending trial of the case.

With the aforesaid observation, this appeal is allowed.

(Birendra Kumar, J)

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