

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3566 of 2019**

Arising Out of PS. Case No.-74 Year-2019 Thana- MADHEPURA District- Madhepura

VIKASH KUMAR @ VIKASH YADAV, Son of Pramod Yadav Through his guardian namely - Kiran Devi wife of - Pramod Yadav Both Resident of Village - Brahmotar Ward No. - 07, P.S. - Madhepura, Bharrahi O.P. Dist- Madhepura.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Chandra Mohan Jha, Advocate

For the Respondent/s : Mr. Anita Kumari Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

4 27-02-2020 Heard the parties.

This is an appeal, under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015, against refusal of the prayer for bail by the Children Court, Madhepura in Children Case No. 02 of 2019 arising out of Madhepura (Bharrahi O.P.) P.S. Case No. 74 of 2019 and corresponding to J.J.B. Case No. 28 of 2019 vide order dated 13.06.2019.

Three persons including the appellant allegedly fired and one of the firings hit at the husband of the informant as a result whereof he died.

Submission is that co-accused Bahadur Ram has already been allowed bail by a Coordinate Bench of this Court and the appellant was declared juvenile. Hence, there was no



reason to refuse prayer for bail to the appellant.

The refusal is against the mandate of scheme of the Juvenile Justice (Care and Protection of Children) Act, 2015 which provides that irrespective of the seriousness of allegation, a juvenile shall be entitled for bail unless the case is covered by the proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

The impugned order reveals that only seriousness of the allegation has been considered for refusal of the prayer for bail. Impugned order is not sustainable in law as it is in violation of the mandate of the Juvenile Justice (Care and Protection of Children) Act, 2015. Hence, the impugned order is set aside and this appeal is allowed.

Let the appellant, above named, be released, at once, on execution of surety bond by either of the parents of the appellant giving undertaking that he/she would maintain proper care and upkeep of the appellant and shall fully cooperate in the proceeding pending before the Juvenile Justice Board.

(Birendra Kumar, J)

Kundan/-

U		T	
---	--	---	--

