

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5599 of 2019**

Arising Out of PS. Case No.-42 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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LAXMAN KUMAR @ LAXMAN PASWAN Son of Ram Badan Paswan
Resident of Village- Mehdashahpur, P.S.- Charia Bariyarpur, Distt.-
Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 10-02-2020 None appears on behalf of the parties.

Perused the record.

This appeal has been preferred under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015, against the refusal of the prayer for bail of the appellant vide order dated 23.09.2019 passed by learned Children Court, Begusarai in connection with J.J.C.P. 8/19 arising out of Cheriya Bariyarpur P.S. Case No. 42 of 2019 registered under Sections 302 and 201/34 of the Indian Penal Code.

F.I.R. of the occurrence of murder is against unknown. Name of the appellant surfaced in the confessional statement of the co-accused.

Prayer for bail has been refused considering the seriousness of the allegation and without looking into aim and



object of the Juvenile Justice (Care and Protection of Children) Act, where under a juvenile is entitled for bail irrespective of the nature and seriousness of the allegation unless the case is covered under the proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Impugned order does not show that court below has taken aforesaid provision into consideration. Hence, the impugned order is set aside and this appeal is allowed.

The appellant, above named, is directed to be released at once on execution of surety bond by either of the parents of the appellant giving undertaking that they shall keep proper care and upkeep of the appellant and shall fully cooperate in the pending matter before the Children Court.

(Birendra Kumar, J)

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