

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1354 of 2024

Arising Out of PS. Case No.-740 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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XXXXX Son of XXXXX Under the guardianship of his father, namely
Jagdish Sahani S/o Late Madhuri Sahani, Resident of Village- Bhataha, P.S.
Motihari Muffasil, District- East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ajay Kumar Singh, Advocate
For the Respondent/s : Mr.Bal Mukund Prasad Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 220-03-2024
1. Mr. Ajay Kumar Singh, learned counsel appearing for the appellant and Mr.Bal Mukund Prasad Sinha, learned APP appearing for the State are present.

2. The appellant earlier preferred Cr. Appeal (SJ) No. 2206 of 2023 against the order dated 28.02.2023 passed by learned 1st Additional Sessions Judge -cum-Special Judge, Children's Court, East Champaran at Motihari, in connection with Children Trial No. 05 of 2019, arising out of Muffasil P.S. case No. 740 of 2018, whereby and whereunder the appellant's prayer for bail was rejected and the said appeal was dismissed vide order dated 10.10.2023. The appellant has again challenged the order dated 28.02.2023 which was under challenge in his earlier Criminal Appeal, so in view of this fact the instant appeal



is not maintainable.

3. The appellant should first approach the trial court for the relief of bail, if new changed circumstances entitling him for the said relief has arisen in his favour and the trial court's order may be challenged again by way of appeal under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Accordingly, the instant appeal stands dismissed on account of being not maintainable with giving a liberty to the appellant to make a fresh prayer before the trial court for granting him the privilege of bail and the trial court is directed to decide his prayer within seven days from the date of filing, if the appellant's prayer is rejected again then the appellant may approach this court by way of appeal under Juvenile Justice (Care and Protection of Children) Act, 2015.

(Shailendra Singh, J)

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