

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1605 of 2024

Arising Out of PS. Case No.-662 Year-2022 Thana- KANTI District- Muzaffarpur

Md. Shahid Son of Manjur Alam under the guardianship of Manjur Alam
(natural guardian as father) son of Late Abdul Majid Sahab, Resident of
Mohalla- Kanti Kothiya, P.S.- Kanti, Dist.- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ganesh Prasad Singh
For the Respondent/s : Mr.Ramchandra Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 19-06-2024 Heard learned counsel for the appellant and learned
APP for the State.

2. This criminal appeal has been preferred against the
order dated 02-11-2023 passed by Ist Additional Sessions Judge,
Muzaffarpur in Kanti P.S. Case No. 662/2022 whereby the
learned court below has rejected the prayer for bail of the
appellant in a case registered for the offence under Section 302,
34 of Indian Penal Code and 27 of the Arms Act.

3. At the very outset, learned counsel for the appellant
submits that name of the appellant (juvenile) has figured in
confessional statement of co-accused/appellant (in Cr. Appeal
(SJ) No. 1967 of 2023) and he was granted bail vide order dated
24-08-2023 by a coordinate bench of this Court. The case of the



appellant stands on better footing to that of co-accused as he is a person of clean antecedent whereas the co-accused who was granted bail was having one criminal antecedent.

4. From bare perusal of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, it appears that a juvenile has to mandatorily be granted bail except the conditions provided under proviso of Section 12. These are the three conditions:-

(i) If there is reasonable grounds for believing that the release of the juvenile would likely to bring him into contact of any known criminal.

(ii) If there is likelihood of his exposure to the said person and if there is moral, physical or psychological danger might be possible to be occurred to the juvenile.

(iii) His release would defeat the ends of justice.

5. Neither of these three conditions were mentioned in the impugned order dated 02.11.2023, whereby the learned Court below while refusing the bail to the appellant.

6. Considering the above-mentioned facts and circumstances, this criminal appeal is allowed and the order dated 02.11.2023 passed by the learned court below in Kanti P.S. Case No. 662 of 2022 is set aside.



7. Let the appellant, who has already been declared juvenile by the learned Juvenile Justice Board, be released in favour of his respective parents on execution of surety bond of Rs. 10,000/- (ten thousand) to the satisfaction of learned Ist Additional Sessions Judge, Muzaffarpur in connection with Kanti P.S. Case No. 662 of 2022 with the condition that the father of the appellant shall furnish an undertaking that while the appellant is on bail, he will not allow the appellant to come in the company/association with any criminal or anti-social elements and he will take proper care of the appellant. Further, the appellant will be produced as and when required by the court below and shall cooperate during the trial.

(Nawneet Kumar Pandey, J)

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