

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2153 of 2024
In
CRIMINAL REVISION No.535 of 2023

Arising Out of PS. Case No.-171 Year-2017 Thana- BARHIYA District- Lakhisarai

Nishant Kumar @ Kare Lal S/O Late Ram Naresh Singh R/O Village- Jaitpur,
P.S- Barhaiya, Distt.- Lakhisarai.

... .. Appellant/s

Versus

1. The State of Bihar
2. Mathan Devi W/O Late Anil Mandal R/V Shyam Tola Gobind Bigha, P.S-
Lakhisarai, Distt.- Lakhisarai.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mrs. Sudha Ambastha, Advocate Ms. Amrita Kumari, Advocate
For the Respondent/s	:	Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

8 06-12-2024 Heard Learned Counsel for the appellant and Learned
Special Public Prosecutor for the State.

2. The present Cr. Appeal (SJ) No. 2153 of 2024 has been filed for setting aside the order dated 18.05.2023 in G.R. No. 06 of 2023 arising out of Barahiya P.S. Case No. 171 of 2017 passed by Additional District & Sessions Judge-I-cum-Special Judge, Children Court, Lakhisarai, for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and Section 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Act, 1989.

3. Learned Counsel for the appellant submits that



there were four accused persons excluding the present appellant, but subsequently, his name has figured in this case by virtue of confessional statement of co-accused. Counsel further submits that the alleged date of occurrence is 02.09.2017, and at that time, the present appellant was a juvenile. Regarding juvenility, the Principal Magistrate passed an order on 21.04.2022, declaring the appellant to be a juvenile. Counsel further submits that in the rejection order, it has come that there is direct allegation against the present appellant that he had committed heinous offence of double murder but, on the other hand, he submits that the appellant is not an accused but rather a child in conflict with the law on the date of the occurrence, and his case should not be treated in the same manner as that of other accused persons. Counsel submits that the fundamental principles of jurisprudence on juvenility are in favor of the appellant. Counsel further submits that it is also true that there are six criminal cases pending against the appellant but in all the cases he is on bail. Counsel further submits that the appellant is recognized as a juvenile, therefore, all benefits available to a juvenile should be applicable to the present appellant. Counsel further submits that the mother of the appellant is ready to undertake for personal care of her son and she is also ready that



appellant shall visit to the Probation Officer twice a month with her to lead his life under his supervision. She is also ready to fulfill all the conditions whatsoever shall be imposed.

4. Learned Special Public Prosecutor for the State opposes the prayer for bail but fairly accepts that from the record, it transpires that on the alleged date of occurrence, the appellant was a juvenile and an order with regard to declaration of juvenility was passed in this case in favour of the appellant.

5. In the present facts and circumstances of this case, let the appellant above named be granted bail, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge-1st-cum-Special Judge, Children Court, Lakhisarai in connection with Barahiya P.S. Case No. 171 of 2017, subject to the conditions as laid down under Section 437(3) Cr.P.C. as well as the condition that appellant's mother shall be one of the bailor with affidavit that her son shall not come in association of any known criminal and she shall visit to Probation Officer twice a month, with the appellant, to lead his life under his supervision.

6. Accordingly, the order dated 18.05.2023 in connection with Barahiya P.S. Case No. 171 of 2017 passed by



the Additional District & Sessions Judge-1-cum-Special Judge,
Children Court, Lakhisarai is hereby set aside.

(Dr. Anshuman, J)

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