

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.168 of 2025

Arising Out of PS. Case No.-129 Year-2024 Thana- MANSI District- Khagaria

1. Shivam Kumar Son of Sanjay Singh Resident of Village - Bakhtiyarpur, Ward No. 17, P.S. - Mansi, District - Khagaria, represented through their natural guardian and mother Rinku Devi, aged about 35 years, Wife of Sanjay Singh, Resident of Village - Bakhtiyarpur, Ward No. 17, P.S. - Mansi, District - Khagaria.
2. Satyam Kumar Son of Sanjay Singh Resident of Village - Bakhtiyarpur, Ward No. 17, P.S. - Mansi, District - Khagaria, represented through their natural guardian and mother Rinku Devi, aged about 35 years, Wife of Sanjay Singh, Resident of Village - Bakhtiyarpur, Ward No. 17, P.S. - Mansi, District - Khagaria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Santosh Kumar Singh, Adv.
For the Respondent/s : Mr. Anita Kumari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 24-04-2025 Appellants are juvenile on the date of commission of offence. They were booked for committing offence under Sections 341/323/308/34 with added Section 302 of the I.P.C., vide order dated 25th May, 2024, on the basis of a written complaint submitted by one Uday Singh on 15th May, 2024.

2. An F.I.R. contains an allegation that one Sanjay Singh, Mantun Singh, Rohit Kumar, Shivam Kumar, Satyam Kumar and Awadhesh Singh wrongfully restrained the deceased and severely assaulted him with the help of lathi and iron rod. During such assault, Sanjay Singh gave a fatal blow with the



help of iron rod on the head of the deceased, causing fracture injury. He was taken to hospital and during treatment he died on 16th May, 2024.

3. The appellants being represented by their mother Rinku Devi, prayed for bail before the learned Special Judge, Children Court, Khagaria in Criminal Bail Application No. 250 of 2024. The learned Special Judge, Khagaria rejected the prayer for bail vide order dated 14th November, 2024. The said order is under challenge in the instant appeal.

4. It is submitted by the learned Advocate on behalf of the appellants that the F.I.R. reveals that accused Sanjay Singh gave fatal blow on the head of the deceased, as a result of which he died. There might be a fact that the appellants were in the group, no allegation is forthcoming against them that they caused murder of the deceased. Therefore, the Children Court failed to appreciate the case of the prosecution and rejected the prayer for bail.

5. Learned Advocate on behalf of the informant/respondent, on the other hand, submits that the appellants attacked the deceased in a group and assaulted him all over his body, as a result of such assault, the victim died on 16th May, 2024. Therefore, the appellants cannot be absolved



from their criminal liability for committing murder of the said Uday Singh, taking into the aid of Section 34 of the I.P.C.

6. It is needless to say that by enacting Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, bail of a C.I.C.L. is a statutory right. Section 12 mandates that persons, who are under the age of 18 years, thereby falling within the definition of “child” under the Juvenile Justice (Care and Protection of Children) Act, 2015 and are alleged to have committed an offence punishable under the penal laws, are required to be released on bail. Section 12 operates as an imperative mandate and this mandate is evidenced by the use of the word “shall which signifies that bail is to be granted as a Rule”.

7. In support of this observation, the Court refers to *Sandeep Ayodhya Prasad Rajak, through his mother Shimla Ayodhya Prasad Rajak Vrs. State of Maharashtra*, reported in *2022 SCC OnLine Bombay 1825*. In *Juvenile in Conflict with Law Vrs. State of Rajasthan and Another*, reported in *2024 SCC OnLine SC 2973*, the Hon’ble Supreme Court has emphasized on the pro-active role to be played by the Juvenile Justice Board to ensure that a child is entitled to be released immediately on bail after his produce before the Board.



8. Of course, proviso to Section 12 states that bail to a C.I.C.L. shall be refused, if the Court finds that the release is likely to bring that person into association with any known criminal. The word “known” is very important. It is for the prosecution to state at least the names of the criminals, who are known to the appellants. Secondly, there is nothing on record that if the appellants are released on bail, such release will expose the appellants to moral, physical and psychological danger or the order of bail would defeat the ends of justice.

9. For the reasons stated above, I am inclined to release the appellants on bail in connection with Mansi P.S. Case No. 129 of 2024, G.R. No. 1396 of 2024, Special Child Case No. 21 of 2024 on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each, one of whom must be one of the parents of the appellants, to the satisfaction of learned Juvenile Justice Board, Khagaria, with further condition that if on bail, the jurisdictional Probation Officer shall remain in touch with the appellants and submit quarterly report to the learned Juvenile Justice Board, Khagaria about the antecedent of the appellants.

10. If any adverse report is received, the Juvenile Justice Board is at liberty to cancel the order of bail of the



appellants without further reference to this Bench.

11. The instant criminal appeal is allowed by the said order.

(Bibek Chaudhuri, J)

pravinkumar/-

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

