

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.476 of 2025

Arising Out of PS. Case No.-219 Year-2024 Thana- LAXMIPUR District- Jamui

Nitish Kumar @ Gyanendra Kumar S/o- Munni Yadav Village- Chinberiya
Ps- Laxmipur Dist- Jamui through his father Munni Yadav S/o- Dibu Yadav

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijay Kumar

For the Respondent/s : Mr.Syed Ashfaque Ahmad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 03-11-2025 Heard learned counsel for the appellant and learned
APP for the State.

2. The present application has been filed on behalf of the appellant for setting aside the order dated 28.10.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Children Court, Jamui in Children Case No. 22 of 2024 arising out of Laxmipur P.S. Case No. 219 of 2024 registered for the offence under Section 302/34/120-B of the Indian Penal Code.

3. As per the prosecution case, the appellant is accused in a case of murder.

4. Learned counsel for the appellant has submitted that the appellant has been held to be juvenile and on the date of occurrence he has been assessed to be less than eighteen years.

5. Learned counsel for the appellant further relies



upon the provisions of the Section 3(i), (iv), (v) and (xiv) of the Juvenile Justice (Care and Protection of Children) Act, 2015. He also relies upon Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and has submitted that bail is a rule and denial of bail to a juvenile is an exception.

6. He further submits that though the appellant is a child in conflict with law but he has remained in jail since 26.07.2024 and the Court below has not considered the law with regard to the release of juvenile under the Juvenile Justice (Care and Protection of Children) Act, 2015.

7. Learned counsel for the appellant further submits that family members of the appellant including the cousin brother of the petitioner will take care of the appellant so that he may not do any further crime and he may not remain in the company of the criminals.

8. Considering the aforesaid facts, this application is allowed and the order dated 28.10.2024 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Children Court, Jamui in Children Case No. 22 of 2024 arising out of Laxmipur P.S. Case No. 219 of 2024, is hereby set aside.

9. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of



the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, Children Court, Jamui/concerned Court below in connection with Children Case No. 22 of 2024 arising out of Laxmipur P.S. Case No. 219 of 2024, subject to the following conditions:-

*(i) that one of the bailors should be the **cousin brother** of the appellant.*

*(ii) that the **cousin brother** of the appellant shall file an affidavit before the concerned Court below, giving specific undertaking that after release of the appellant on bail, he will take proper care of the appellant and will not allow him to fall into bad company.*

(iii) The appellant will co-operate in the trial in the Children Court. He will appear personally or through his lawyer. Any default in the same will result in the cancellation of the bail bonds of the appellant.

(Sandeep Kumar, J)

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