

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.746 of 2025

Arising Out of PS. Case No.-19 Year-2024 Thana- KHUTAUNA District- Madhubani

XX, aged about 17 years (Male), Son of Mahendra Yadav, Resident of Village - Dhausahi, P.S. - Phulparas, District - Madhubani. Under guardianship of his father, namely, Mahendra Yadav, aged about 50 years, Son of Khushilal Yadav, Resident of Village - Dhausahi, P.S. - Phulparas, District - Madhubani

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant	:	Mr. Gagandeo Yadav, Ravi Prakash and Udeshya Kumar Advocates
For the Respondent	:	Mr. Syed Ashfaq Ahmad, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 05-03-2025 Heard learned counsel for the appellant and learned Spl. P.P. for the State.

2. Though, the appellant has given full description in the appeal, it would be inappropriate to disclose his identity in view of the statutory provisions prescribed under Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015. He is being referred to in the cause title as “XX”.

3. Registry while uploading the order on the website shall also ensure that the cause title is reflected in similar manner.

4. This Criminal Appeal has been preferred by the appellant against the order dated 05.12.2024, in Juvenile Appeal



No. 28 of 2024, passed by learned Additional Sessions Judge-cum-Children Judge, Madhubani, arising out of Khutauna P.S. Case No. 19 of 2024, registered for the offences punishable under Sections 399, 402, 120B of the I.P.C. and Sections 25(1-B)a, 26 and 35 of the Arms Act., whereby the application filed by the appellant for grant of regular bail was rejected.

5. As per the prosecution case, police arrested four co-accused persons and from their possession various arms were recovered who also disclosed the names of the petitioner and the other co-accused Ranjay Kumar Yadav who were also involved in the crime.

6. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case due to quarrel with the children of the informant. It is further submitted that the appellant has no concern with the alleged offence. The name of the appellant has surfaced in the present case on the basis of the confessional statement of the arrested co-accused persons, namely, Raushan Kumar Yadav, Vivek Kumar Yadav, Deepak Kumar Yadav and Pankaj Kumar, son of Lachhiram Yadav. No incriminating article has been recovered from his possession. The appellant has been declared juvenile by the learned Juvenile Justice Board as the age of the appellant is 16



years 09 months and 15 days on the alleged date of occurrence. It is further submitted that other co-accused persons, namely, Raushan Kumar Yadav, Pankaj Kumar @ Pankaj Kumar Yadav, S/O of Lachhiram Yadav @ Lakshi Ram Yadav and Ranjay Yadav @ Ranjay Kumar Yadav have already been granted bail by a Bench of this Court vide Cr. Misc. Nos. 47886 of 2024 under order dated 30.07.2024, 82496 of 2024 under order dated 04.12.2024 and 60492 of 2024 under order dated 05.09.2024 respectively. The appellant has two criminal antecedents as stated in paragraph no. 3 of the appeal. He is in custody since 30.03.2024 in this case.

7. Learned Spl. P.P. for the State has vehemently opposed the prayer for bail of the appellant. It has further been pointed out that the release of the appellant would defeat the ends of justice.

8. As per the social investigation report as well as the social background report, this Court finds that there is no adverse remark against the appellant and further the presumption of innocence of the child cannot be ruled out.

9. Further, a Division Bench of this Court in ***Lalu Kumar and Ors. Vs. State of Bihar [(2019) 4 PLJR 833]***, has held that seriousness and gravity of the offence alleged cannot



be made a ground for rejecting bail under the Act of 2015.

10. Accordingly, the order dated 05.12.2024, passed by learned Additional Sessions Judge-cum-Children Judge, Madhubani, in Juvenile Appeal No. 28 of 2024, arising out of Khutauna P.S. Case No. 19 of 2024, is set aside and the present criminal appeal is allowed.

11. Let the appellant who has already been declared juvenile by the learned Juvenile Justice Board, be released in favour of his father on execution of bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Children Judge, Madhubani, in Juvenile Appeal No. 28 of 2024, arising out of Khutauna P.S. Case No. 19 of 2024, subject to following conditions:-

(i) Natural guardian/father will furnish an undertaking that upon release on bail the appellant will not be permitted to go into contact or association with any known criminal or allowed to be exposed to any moral, physical, or psychological danger and further that the father will ensure that the juvenile will not repeat the offence.



(ii) Natural guardian/father will further furnish an undertaking to the effect that the juvenile will pursue his study at the appropriate level which he would be encouraged to do besides other constructive activities and not be allowed to waste his time in unproductive and excessive recreational pursuits.

(iii) The appellant will be produced as and when required by the Juvenile Justice Board and shall co-operate in the trial.

12. Accordingly, the present criminal appeal stands allowed.

(Chandra Prakash Singh, J)

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