

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.835 of 2025

In
CRIMINAL REVISION No.712 of 2024

Arising Out of PS. Case No.-14 Year-2024 Thana- BHAIKAVSHTHAN District- Madhubani

Sagar Kumar Son of Bikau Mandal, Resident of village - Alichak , p.s. -Rajnagar , District - madhubani, Under the Guardianship of his father namely Bikau Mandal, S/o Bechan Mandal, R/o vill - Alichak, P.S. - Rajnagar, Distt. - Madhubani

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravi Prakash

For the Respondent/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 2 24-04-2025 This is an appeal under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 challenging an order of rejection of bail passed by the Learned 1st Additional Sessions Judge-cum-Child Justice at Madhubani in Juvenile appeal no. 09 of 2024, rejecting the prayer of appeal of the appellant on the ground that he has been involved in a heinous offence, viz, Bhairavsthan P.S. Case No. 14 of 2024 dated 14th February, 2024 under Sections 302/20/34 of the IPC. It is submitted by the learned Advocate on behalf of the appellant that he was aged about 14 years, 2 months and few days on the date of commission of the offence. He was not named in the FIR, but his name transpires on the basis of a statement of the



co-accused which is not admissible in evidence. No incriminating material was recovered from the possession of the CICL and therefore, he should be released on bail. It is also submitted on behalf of the appellant that the Social Investigation Report also does not support detention of the appellant for more than one year.

2. Learned APP opposes the bail prayer made by the appellant.

3. Having heard the learned Advocate on behalf of the appellant and the learned APP, this Court records that 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”.

4. 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.

5. 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 appellant. Secondly, there is nothing on record that if the appellant are released on bail, such release will expose the appellant to moral, physical and psychological danger or the order of bail would defeat the ends of justice.

6. For the reasons stated above, I am inclined to release the above named appellant on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Learned 1st Additional Sessions Judge-cum-Child Justice at Madhubani in



Juvenile Appeal No. 09 of 2024 with further conditions which are as follow:-

(i) One of the sureties/bailors must be one of the parents or a close relative of the appellant.

(ii) The father or close relative of the appellant shall file an affidavit before the Learned 1st Additional Sessions Judge-cum-Child Justice at Madhubani in Juvenile Appeal No. 09 of 2024, giving a specific undertaking that after the 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 shall remain present before the Court and/or the police, as the case may be, as and when required.

(iv) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(v) The court below shall verify the criminal antecedent of the appellant and in case, at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the appellant. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.



7. With the above-order, the appeal stands allowed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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