

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.883 of 2025

Arising Out of PS. Case No.-254 Year-2024 Thana- ROH District- Nawada

Nishant Kumar Son of Sri Rajendra Prasad @ Rajendra Mahto village - Roh, Ps- Roh, Dist- Nawada through his father and natural guardian Sri Rajendra prasad @ Rajendra Mahto aged about 57 years, son of Sri Devi Mahto, Village- Roh, Ps- Roh, Dist- Nawada

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Vaishnavi Singh, Advocate
For the Respondent/s : Mr. Syed Ashfaque Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 31-07-2025 The instant appeal under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 is directed against the order passed by the learned Judge Children’s Court, Nawada in Child Case No.06 of 2024, arising out of Roh P.S. Case No.254 of 2024 dated 26.08.2024 passed on 07.01.2025.

2. The CICL alongwith others are implicated in Roh P.S. Case No.254 of 2024 dated 26.08.2024 under Section 103(1), 3(5) of the B.N.S., 2023 and Section 27 of the Arms Act.

3. Prosecution case, in brief, is that one Mahesh Kumar lodged a written complaint to the Officer-in-Charge Roh police station, stating, inter-alia, that on 25.08.2024 at about 04:00 p.m. when he was in his shop, he received an information



that his father had been shot near the shop of one Sunil Sao. Hearing the said incident, he immediately rushed to the shop of Sunil Sao and found his father injured. He was informed that Nishant Kumar and Raushan Kumar Thakur alongwith some unknown persons came to the spot on three motorcycles and fired at his father and fled away. Nishant Kumar and Raushan Kumar Thakur resorted to firing upon his father while the other accused persons were accompanying them. He took his father to Sadar Hospital at Roh, where he was declared dead.

4. It is contended on behalf of the CICL that on the date of commission of offence the CICL was aged about 17 years, 05 months and 06 days. He was falsely implicated in this case and he did not have any criminal antecedents. He is a student of Class-XI. Both the Juvenile Justice Board and Children's Court rejected the prayer for bail of the accused wrongly without appreciating the beneficial object of the legislation.

5. Having heard the learned Counsels for both the parties and on perusal of the materials on record, this Court find that the Juvenile Justice Board conducted inquiry with regard to his mental and physical capacity to commit the offence under Section 15 of the said Act and came to the finding after



preliminary assessment that the CICL ought to be tried as and adult by the Children’s Court.

6. The FIR discloses the story that the petitioner is the principal perpetrator of offence. Therefore, I am inclined to enlarge the petitioner/CICL on bail.

7. Accordingly, the prayer for bail of the CICL is thus, rejected.

(Bibek Chaudhuri, J)

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