

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.896 of 2025

In
CRIMINAL REVISION No.668 of 2024

Arising Out of PS. Case No.-192 Year-2023 Thana- PURAINI District- Madhepura

Uday Kumar @ Uday Sahani Son of Sattan Sahani Resident of Village - Goryari Gwarpur, Ward No.16, P.S. - Bihari Ganj, District - Madhepura under natural Guardianship of father namely Son of Sattan Sahani, aged about 57 years, Son of Late Hardev Sahani, Resident of Village - Goryari Gwarpur, Ward No.16, P.S. - Bihari Ganj, District - Madhepura

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Alok Kumar Singh, Advocate
For the Respondent/s : Mrs. Suman Kumari Singh, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-06-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The present Cr. Appeal (SJ) application has been filed for setting aside the order dated 24.06.2024 passed in Criminal Appeal Case No. 09 of 2024 in connection with Puraini P.S. Case No. 192 of 2023, dated 24.08.2023, lodged for offences punishable under Sections 25(1-b)a, 25(9), 26 and 35 of the Arms Act & under Sections 8(C) and 21(A) of the NDPS Act.

3. As per the prosecution case, FIR has been lodged against three named accused persons, including the present appellant, against whom there is an allegation of recovery of



arms as well as NDPS material, approximately 52 milligrams of smack. It has further been alleged in the FIR that 49 milligrams of smack were recovered from the possession of the appellant.

4. Learned counsel for the appellant submits that the appellant is a juvenile, whose age is below 18 years, and vide order dated 06.03.2024 passed in J.J.B. Case No. 150 of 2023, it has been ascertained that on the date of the alleged occurrence, he was below 18 years of age. Counsel further submits that the appellant is a student and belongs to a respectable family. Counsel also submits that the other accused persons have been granted bail by this Hon'ble Court.

5. Counsel further submits that a juvenile shall not be treated as a criminal, rather, he is a person in conflict with law and is entitled to protection both physically and psychologically. Counsel further submits that the appellant has been in the remand home since 25.08.2023, and approximately 1 year and 10 months have elapsed. Counsel also submits that the criminal antecedent of the appellant is not clean, there is one criminal case pending against him.

6. It is further submitted that the S.I.R. and S.B.R. reports have been called for by this Court, from which it becomes crystal clear that due to an ignorant attitude, the



appellant got involved in the present case. It is also submitted that the father of the appellant is willing to furnish the bail bonds.

7. Learned Special Public Prosecutor opposes the prayer for bail and submits that the S.B.R. report was submitted by the Probation Officer of Udakishunganj District and the only apprehension is that the appellant may come in contact with local criminals. However, counsel fairly submits that the appellant's father is ready to give an undertaking for his son.

8. In the present facts and circumstances of the case and considering the submissions made above, let the appellant above-named be released on bail, on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand only), as mentioned under Section 2(1)(d) of the BNSS, 2023, to the satisfaction of the 1st Additional District & Sessions Judge-cum-Children Court, Madhepura, in connection with Puraini P.S. Case No. 192 of 2023, subject to the conditions laid down under Section 480(3) of the BNSS, 2023, as well as with other following conditions:-

(i) The appellant shall appear before the Probation Officer, Udakishunganj, once every month, and

(ii) At the time of furnishing the bail bond, the father



of the appellant shall produce an undertaking in the form of affidavit to the effect that he shall take care of his son/appellant.

9. Accordingly, the order dated 24.06.2024 passed in Criminal Appeal Case No. 09 of 2024, passed by the 1st Additional District & Sessions Judge-cum-Children Court, Madhepura, is hereby set aside.

(Dr. Anshuman, J.)

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