

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.946 of 2025

In

CRIMINAL REVISION No.824 of 2024

Arising Out of PS. Case No.-57 Year-2023 Thana- BARIYARPUR District- Munger

Juvenile X S/O Nage Mandal @ Nageshwar Mandal In the natural guardian-ship of his Father Nage Mandal @ Nageshwar Mandal, S/O- Anandi Mandal, Aged- 53 Years, Both Resident of Ward No-17, village-Vijay Nagar, P.S- Bariarpur, Dist-Munger-811211

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sagar Suman, Advocate

For the Respondent/s : Mr. Dilip Kumar No.1, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 10-07-2025 The instant appeal is directed against an order dated 05.04.2024 passed by the learned Additional District and Sessions Judge, 1st-cum-Special Judge, Juvenile Court, Munger in J.J.B. No.99 of 2023 arising out of Bariarpur P.S. Case No.57 of 2023, whereby and whereunder the application for bail of the juvenile was rejected holding, inter-alia, that the appellant is involved in a heinous offence, if the appellant is released on bail there is every possibility that he would be associated with known criminals of the locality and release of the juvenile would not be conducive for his moral, physical and psychological development.

2. Prosecution case, in brief, is that on 15.03.2023 at about 9-10 A.M. the son of the informant was riding a cycle at



that time two persons, one of whom is the appellant being juvenile at the time of commission of offence, came to him and started talk to him. Subsequently, the victim was not traceable. His cycle was also not found. The father of the victim lodged an F.I.R. and subsequently, it was asserted that the victim died by drowning in a well. It is alleged that the accused persons forcibly threw him inside the well.

3. It is submitted by the learned Advocate on behalf of the appellant that there is no direct evidence against the appellant. No incriminating material was seized from the possession of the appellant. One old cycle was seized from a scrap material shop of one Gopal Kumar. There is no evidence that the said Gopal Kumar received the broken cycle from the appellant.

4. The Trial Court refused to grant bail to the appellant on the ground that if the appellant is released on bail, there is every possibility that he would mix-up with known criminals of the locality. The Trial Court did not try to find out as to who where the said criminals or whether the appellant had acquaintance with them.

5. Proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 was in acted by the



legislature for the production of the juvenile in conflict with law and not as a tool to reject the prayer for bail of a juvenile.

6. Considering all such circumstances, the appellant, above named, be released on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of like amount to the satisfaction of learned Additional Sessions Judge 1st – cum-Special Judge, Juvenile Court, Munger in connection with **J.J.B. No.99 of 2023 arising out of Bariarpur P.S. Case No.57 of 2023**, subject to following condition that:-

(I) One of the bailor must be the mother of appellant.

(II) further condition that if on bail he shall be under the care and protection of his mother and under the supervision of the Probation Officer, who will submit quarterly report about the antecedent of appellant before the Board and if any such report is found to be unsatisfactory, the Board is at liberty to cancel the order of bail without reference to this Court.

7. With the above order, the instant criminal revision is disposed of.

(Bibek Chaudhuri, J)

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