

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1071 of 2025**

Arising Out of PS. Case No.-71 Year-2024 Thana- NOWKOTHI GARHPURA District-
Begusarai

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XX, S/o Raju Mahto, under the guardianship of his mother, namely,
Chunchun Devi, R/o vill - Dabhangama, P.S.- Navkothi, Distt.- Begusarai

... .. Appellant

Versus

The State of Bihar

... .. Respondent

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Appearance :

For the Appellant	:	Mr. Jyotsna Rani Mishra, Advocate
For the Respondent	:	Mrs. Abha Singh, Spl.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 08-05-2025 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 22.01.2025, passed by learned
Additional Sessions Judge-I-cum-Special Judge, Children



Court, Begusarai in J.J. C.P. Petition No. 11 of 2024, arising out of Navkothi P.S. Case No. 71 of 2024, registered for the offence punishable under Section 363 of the I.P.C. Later on, Sections 302, 364, 201, 120B read with Section 34 of the I.P.C. were also added, whereby the application filed by the appellant for grant of regular bail was rejected.

5. As per the prosecution case, the informant's son went to Pahsara Chowk, when he did not return, his uncle Dilip Singh contacted him and the informant's son responded that he would return in 10-15 minute, within half an hour, his phone was found switched-off.

6. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. It is further submitted that the appellant is not named in the F.I.R. and during the course of investigation, police took the C.D.R. and mobile number of the deceased i.e., 7619406442 and found that several calls came on the mobile phone of the deceased bearing Mobile Nos. 766304812 and 9771226174 which belong to one Gaurav Kumar and police arrested him and recorded his confessional statement and he in his confessional statement named the petitioner as his associates which has got no evidentiary value in the eyes of law. It is further submitted that



except the confessional statement of the co-accused Gaurav Kumar, there is no other substantive evidence to suggest the implication of the appellant in the present case. It is further submitted that after investigation, charge sheet has been submitted on 22.07.2024 for the offences punishable under Sections 363, 302, 201, 120B read with Section 34 of the I.P.C. There is no specific allegation against the appellant. The appellant has no concern with the alleged offence. It is further submitted that the similarly situated co-accused, namely, Prince Kumar, who is not juvenile, has already been granted bail by a Bench of this Court in Cr. Misc. No. 60218 of 2024 vide order dated 17.02.2025, annexed as Annexure-P/2 to the present appeal. The appellant has clean antecedent as stated in paragraph no. 3 of the appeal. He is in custody since 05.05.2024 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 who was also not in



association with any known criminal 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 22.01.2025, passed by learned Additional Sessions Judge-I-cum-Special Judge, Children Court, Begusarai in J.J. C.P. Petition No. 11 of 2024, arising out of Navkothi P.S. Case No. 71 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 mother 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-I-cum-Special Judge, Children Court, Begusarai in J.J.C.P. Petition No. 11 of 2024, arising out of Navkothi P.S. Case No. 71 of 2024, subject to following conditions:-

- (i) Natural guardian/mother 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 mother will ensure that the juvenile will not repeat the offence.

(ii) Natural guardian/mother 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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