

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1087 of 2025

Arising Out of PS. Case No.-11 Year-2024 Thana- Patauna District- Madhubani

=====

Durga Thakur @ Durga Nand Kumar Son of Mohan Thakur @ Chandra Mohan Thakur Through his Legal Guradian namely Mohan Thakur @ Chandra Mohan Thakur Son of Bilat Thakur Resident of Village - Jagwan, P.S. - Patauna, District - Madhubani

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Subhash Kumar Jha

For the Respondent/s : Mr. Mukeshwar Dayal

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-11-2025 Heard learned counsel for the appellant and learned APP for the State.

2. The present application has been filed to set aside the order dated 30/01/2025 passed in Enquiry No 1671 of 2024/Patauna P.S Case No 11 of 2024 by Learned Additional Session Judge 1st Cum Special Children Court Madhubani, whereby the prayer for bail of the appellant has been rejected in connection with Patauna P.S Case No-11 of 2024 dated 07/04/2024 corresponding to Enquiry No-1671 of 2024, registered for offence under Section - 341, 323, 307, 302, 504, 506 and 120(B) of Indian Penal Code and further for grant of bail to the appellant in the above mentioned case.

3. As per the prosecution case, the appellant is



accused in a case of murder.

4. Learned counsel for the appellant has submitted that the petitioner has been held to be juvenile and on the date of occurrence he has been assessed to be less than eighteen years.

5. Learned counsel for the appellant further relies upon the provisions of the Section 3(i), (iv), (v) and (xiv) of the Juvenile Justice (Care and Protection of Children) Act, 2015. He also relies upon Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and has submitted that bail is a rule and denial of bail to a juvenile is an exception.

6. He further submits that though the appellant is a child in conflict with law but he has remained in jail since 08.04.2024 and the Court below has not considered the law with regard to the release of juvenile under the Juvenile Justice (Care and Protection of Children) Act, 2015.

7. Learned counsel for the appellant further submits that family members of the appellant including the legal guardian of the petitioner will take care of the appellant so that he may not do any further crime and he may not remain in the company of the criminals.

8. Considering the aforesaid facts, this application is allowed and the order dated 30.01.2025, is hereby set aside.



9. Let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge 1st-Cum-Special Children Court, Madhubani subject to the following conditions:-

(i) that one of the bailors should be Mohan Thakur - legal guardian of the appellant.

(ii) that the Mohan Thakur - legal guardian of the appellant shall file an affidavit before the concerned Court below, giving specific undertaking that after 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 will co-operate in the trial in the Children Court. He will appear personally or through his lawyer. Any default in the same will result in the cancellation of the bail bonds of the appellant.

(Sandeep Kumar, J)

Siddharth Soni/-

U		T	
---	--	---	--

