

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1534 of 2025

Arising Out of PS. Case No.-168 Year-2024 Thana- PANDAUL District- Madhubani

Roshan Kumar @ Roushan Kumar @ Roshan Kumar S/o- Manoj Mandal
Village- Andah W.No-13, Ps- Pandaul Dist- Madhubani, Through his Natural
Guardian Father Manoj Mandal, S/O Bhaiyyan Mandal, R/o Village- Andah,
Ps- Pandaul Dist- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Sumi Kumari @ Summi Kumari D/o- Upendra Mandal Village- Andah, Ps- Pandaul, Dist.- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Murari Narain Chaudhary
For the Respondent/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 09-10-2025

Heard the parties.

2. The present application has been filed on behalf of the appellant for setting aside the order dated 13.02.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Children Court, Madhubani in Enquiry No. 1768 of 2024 arising out of Pandaul P.S. Case No. 168 of 2024 registered for the offence under Sections 323, 341, 376, 342, 504 and 34 of the Indian Penal Code, under Section 4 of the POCSO Act, under Section ¾ of the D.P. Act and under Section 9, 10, 11 of the Child Marriage Act.

3. As per the prosecution case, the appellant is accused of committing rape with the minor victim.



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 18.11.2024 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 father 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 13.02.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Children



Court, Madhubani in Enquiry No. 1768 of 2024 arising out of Pandaul P.S. Case No. 168 of 2024, 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 Sessions Judge-I-cum-Special Judge, Children Court, Madhubani in Enquiry No. 1768 of 2024 arising out of Pandaul P.S. Case No. 168 of 2024 subject to the following conditions:-

(i) that one of the bailors should be the father of the appellant.

(ii) that the father 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)

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