

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1531 of 2025

Arising Out of PS. Case No.-264 Year-2023 Thana- MAHESHKHUNT District- Khagaria

Prince Kumar @ Prince Singh Son of Late Aravind Singh @ Arvind Singh
Resident of Village Baurna, Police Station Gogri, District Khagaria. Under
guardianship of mother Sunita Devi, Female, aged about 45 years, Wife of
Late Aravind Singh @ Arvind Singh, Resident of Village - Baurna, Police
Station - Gogri, District - Khagaria.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Aryan Singh
For the Respondent/s : Mr.Abha Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-04-2025 Heard learned counsel for the appellant and learned
A.P.P. for of the State.

2. This appeal has been filed against the order dated
18.02.2025 passed in a case, registered for the offence under
Sections 341, 323, 342,, 325, 364(A), 386, 504, 506 and 34 of
the Indian Penal Code, whereby the prayer for bail of appellant
has been rejected.

3. As per prosecution case, on 12.12.2023 at about 7:30
PM, the informant received a secret information that one boy
has been kidnapped by co-accused Nishant Singh and his
associates and as such, he conducted raids, but he could not find
anybody and thereafter, during search, the victim Sittu Kumar



was found, who was in injured condition, and he disclosed that co-accused Nishant Singh and other co-accused persons including this appellant and some others kidnapped him for ransom and was brutally assaulted. His hand was also broken.

4. Learned counsel for the appellant submits that appellant is quite innocent and has been falsely implicated. He further submits that the victim was kidnapped on 12.12.2023 and was recovered on the same date, but F.I.R. has been lodged after a delay of 2 days without there being any plausible explanation of delay. He further submits that bail application of the appellant, who is juvenile in conflict with law, has been rejected by the Court below considering the merit, nature and gravity of the offence, which is not in consonance with Juvenile Justice (Care and Protection of Children) Act, 2015 (for short "J.J.Act"). He next submits that appellant has been declared juvenile by the Juvenile Justice Board on 18.09.2024 and the Board has found his age as 16 years 9 months and 29 days (copy of order is annexed as Annexure P-2 to the memo of appeal). The appellant is in custody since 29.08.2024, having no criminal antecedent.

5. Learned A.P.P. for the State opposed the appeal.

6. Heard learned counsel for the parties. In case of



bail to a juvenile in conflict with law, the approach of the Court has to be different. While considering the bail application of juvenile in conflict with law, the Court has to consider following three grounds, mentioned in Section 12 of the J.J.Act:

- “(i) Likelihood of association with known criminals,
- (ii) Likelihood of moral, physical or psychological danger, and
- (iii) Likelihood to defeat ends of justice, rather than searching into merits of case of nature and gravity of allegations.”

7. In this case, neither the aforesaid grounds were considered nor any social investigation report was called for and the bail application of appellant was rejected on merit.

8. Accordingly, considering the aforesaid facts and circumstances as well as period of custody and clean antecedent, the impugned order dated 18.02.2025 is, hereby, set aside and this appeal is allowed.

9. Let the appellant, as named above, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ 1st cum Special Judge, Khagaria in connection with Special Child Case No. 23 of 2024, arising out of Maheshkhunt P.S. Case No. 264 of 2023, subject to condition that ***one of the***



bailors will be mother of the appellant and she would file an affidavit giving an undertaking to the effect that she will take care of good behaviour and child’s (appellant) well-being and will not allow him to go in the company of bad elements.

(Prabhat Kumar Singh, J)

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