

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1548 of 2025**

Arising Out of PS. Case No.-250 Year-2024 Thana- SABAUR District- Bhagalpur

A K (Ashish Kumar) Son of Satyanarayan Paswan Resident of Village -
Gangarampur, Post - Mamalkha, P.S.- Sabour, District - Bhagalpur, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nitish Kumar Son of Sita Ram Rai R/o village - Dayalchak Mahgama, P.S.-
Ghatho, District - Samastipur, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Bijendra Kumar, Advocate
For the Respondent/s : Mr.Bal Mukund Prasad Sinha,

**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER**

3 10-07-2025 The instant appeal is directed against an order dated

20th of March, 2025 passed by learned Special Judge, Children's
Court, Bhagalpur in Special (Children) Case No. 4 of 2025
arising out of Sabour P.S. Case No. 250 of 202 for the offence
punishable under Sections 309 (4) and 103 (1) of the BNS,
2023.

2. Narration of the incident is available from the
statement made by the one Nitish Kumar, driver of a pickup van
bearing no. BR06GG-1271. As per the statement of the
informant on the 6th of July, 2024, at about 3:50 A.M., he, along
with the owner of the pickup van, namely, Vikahs Kumar Ram,
was travelling to Samastipur with mangoes loaded on the said



pickup van. When they reached near Mashadhu at about 12:20 P.M., four unknown persons jumped upon the said pickup van. Three of them tried to take away the key of the vehicle. The driver, out of fear, handed over the key of the vehicle. Immediately, the fourth person, who is the appellant before this Court, came inside the pickup van and started snatching away personal belongings of the said Vikash Kumar Ram. When he resisted the appellant, he assaulted him with the help of a knife on his chest. He tried to flee away, opening the door of the pickup van, but after going a short distance, he fell down on the ground. The informant somehow brought the owner of the pickup van to Bhagalpur Hospital, where he was declared dead.

3. It is contended on behalf of the appellant that the appellant is not named in the FIR. Three other accused persons have already been released on bail by this Court, as police failed to collect any material against them. Police also did not pray for T.I. Parade of the appellant. No incriminating article was recovered from him. He is a juvenile and implicated in the case only on suspicion. Therefore, he may be released on bail.

4. I have gone through the impugned order.

5. The Trial Court did not consider the above-mentioned aspects submitted by the learned Advocate for the



appellant in his order. There is also no observation that he had gone through the case diary and found incriminating material against the appellant.

6. Accordingly, the order passed by the learned Special Judge, Children's Court in Special (Children) Case No. 04 of 2025 on 20th of March, 2025 rejecting the prayer for bail is set aside.

7. Considering such circumstances, this Court is of the view that the appellant should be released on bai in the instant appeal also, on furnishing bail bond of Rs. 20,000/- with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge (Children Court), Bhagalpur in connection with Special Case (Children) No. 04 of 2025, one of whom must be one of the parents of the appellant.

(Bibek Chaudhuri, J)

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