

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1638 of 2025

Arising Out of PS. Case No.-240 Year-2024 Thana- KHAJEKALA District- Patna

Md. Kaif, S/O Md. Feku @ Hariya @ Md. Kaish, R/O Naudhal Haidari Gali,
Mogalpura, P.S- Khajekala, Distt.- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Kumar Sharma, Advocate
For the Respondent/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 10-07-2025 The appellant is a juvenile who challenge an order of rejection of bail passed by the learned Special Judge, Children’s Court, Patna in Special (Child) Case No. 20 of 2024 under Sections 302, 120B and 34 of the IPC read with Section 27 of the Arms Act.

2. The prosecution case, in brief, is that on the 6th of June, 2024, at about 4:00 P.M., one Aslam Maulana made a phone call to the husband of the informant, namely, Aurenzed @ Munmun, and asked him as to why he made some derogatory remark to one Md. Quis @ Feku and asked him to come and meet him at Nayai Sarak Pani Tanki. The husband of the informant went there. Subsequently at 5:10 P.M., the local people informed the informant that her husband was shot near Nayai Sarak Pani Tanki and he was lying in injured condition in



a pool of blood. The informant rushed to the spot and saw her husband in injured condition. Thereafter, he was taken to an NMCH, where the doctor declared him dead. It is alleged that the above-named three accused persons committed the murder of the victim.

3. The learned Advocate for the appellant submits that co-accused persons on same footing were released on bail in Cr. Misc. No. 86998 of 2024 on 20th of March, 2025. The appellant being a juvenile is under protective custody of the juvenile justice board.

4. The learned Advocate of the appellant also refers to the relevant observation of the Children's Court whereby and whereunder the prayer for bail of the appellant was rejected on the ground that if he is released on bail he has every possibility to meet with the known criminal of the locality and this will degrade his moral, physical and physiological life.

5. It is contended by the learned Advocate for the appellant that the appellant has been languishing in custody since 24th of July, 2024. When the co-accused persons were released on bail and no incriminating articles is available against the appellant, the learned Trial Judge committed error in law by rejecting the application for bail.



6. I have heard the learned Advocate for the appellant as well as learned APP for the State.

7. Learned APP for the State has raised objection against the prayer for bail.

8. In my considered opinion, when the appellant is a juvenile, his prayer for bail ought to have been considered on the presumption of innocence.

9. For the reasons stated above, this Court is of the view that for proper development of the appellant, the Trial Court ought to have granted bail to him.

10. In view of such finding, the order of rejection of bail is set aside.

11. Accordingly, the appellant is directed to be enlarged on bail 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 Special Judge, Child Court-cum-District & Additional Sessions Judge-I, Patna in connection with Special (Child) Case No. 20 of 2024, one of whom must be one of the parents of the appellant.

(Bibek Chaudhuri, J)

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