

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1772 of 2025

Arising Out of PS. Case No.-82 Year-2023 Thana- MORKAHI District- Khagaria

Chand Kumar @ Chand Babu S/o- Late Aklu Sah Village- Bacchauta, P.S.
Morkahi, Distt. Khagaria through his mother namely Santoliya Devi R/o-
Bachhauta Ps- Morkahi Dist- Khagaria

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Singh, Advocate

For the Respondent/s : Mr. Mukeshwar Dayal, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-06-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The present Cr. Appeal (SJ) application has been filed for setting aside the order dated 06.03.2025 passed in Criminal Bail Application No. 268 of 2024 in connection with Special Child Case No. 22 of 2024 arising out of Morkahi P.S. Case No. 82 of 2023 lodged for offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. Learned counsel for the appellant submits that the regular bail application of the appellant was rejected vide order dated 16.04.2024, passed in Cr. Misc. No. 10059 of 2024.

4. Learned counsel for the appellant submits that the criminal antecedent of the appellant is clean and the appellant



was a juvenile at the time of the commission of the offence. He has been in the remand home since 06.07.2023. Counsel further submits that the appellant was declared a juvenile on 05.10.2024 by the Juvenile Justice Board, and on the date of occurrence, his age was ascertained to be 17 years, 4 months, and 3 days. It is further submitted that from the contents of the F.I.R., it transpires that there is no specific allegation against the appellant, rather, the implication is based on mere suspicion. Counsel also submits that, admittedly, the appellant is a juvenile and the maximum punishment is three years, whereas he has already been in the remand home for about two years. It is also submitted that the mother of the appellant is willing to furnish the bail bonds on his behalf, as the appellant's father is no more.

5. Learned Special Public Prosecutor opposes the prayer for bail and submits that, without furnishing a proper bail bond from a competent person, the appellant may not be directed to be released on bail.

6. In the present facts and circumstances of the case and considering the submissions made above, let the appellant above-named be released on bail, on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand only), as mentioned under Section 2(1)(d) of the BNSS, 2023, to the satisfaction of



the District and Additional Sessions Judge 1st-cum-Special Judge, Khagaria, in connection with Special Child Case No. 22 of 2024 arising out of Morkahi P.S. Case No. 82 of 2023, subject to the conditions laid down under Section 480(3) of the BNSS, 2023, as well as with other following conditions:-

(i) The appellant shall appear before the local Juvenile Justice Board, Khagaria, once every month, and

(ii) At the time of furnishing the bail bond, the mother of the appellant shall produce an undertaking in the form of affidavit to the effect that she shall take care of her son/appellant.

7. Accordingly, the order dated 06.03.2025 passed in Criminal Bail Application No. 268 of 2024, passed by the District and Additional Sessions Judge 1st- cum- Special Judge, Khagaria, is hereby set aside.

(Dr. Anshuman, J.)

Aman Kumar/-

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

