

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2157 of 2024

Arising Out of PS. Case No.-196 Year-2023 Thana- SARAI District- Vaishali

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KISHAN KUMAR SON OF LATE RAMESH RAM RESIDENT OF
VILLAGE/MOHALLA - BOARIYA, P.S. - SARAI, DISTRICT - VAISHALI
UNDER GUARDIANSHIP OF HIS MOTHER SAVITRI DEVI

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Jha, Advocate
Mr. Prashant Kumar, Advocate
For the Respondent/s : Mr. Zeyaul Hoda, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 18-09-2025 Heard the parties.

2. The present application has been filed against the order dated 28.02.2024 as modified vide order dated 18.04.2024 passed by the learned Additional Sessions Judge, 1st-cum-Children's Court, Vaishali at Hajipur in connection with Sarai P.S. Case No. 196 of 2023 registered under Section 302 of the Indian Penal Code by which the prayer for bail of the appellant has been rejected.

3. As per the prosecution case, the appellant is an accused in a case of murder.

4. Learned counsel for the petitioner 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 02.08.2023 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 petitioner including the mother 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 order dated 28.02.2024 as modified vide order dated 18.04.2024 passed by the learned Additional Sessions Judge, 1st-cum-Children Court, Vaishali at Hajipur in connection with Sarai P.S. Case No. 196 of 2023 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-1st-cum-Children Court, Vaishali at Hajipur /concerned Court below in connection with Sarai P.S. Case No. 196 of 2023 subject to the following conditions:-

(i) that one of the bailors should be the mother of the petitioner.

(ii) that the mother 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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