

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1986 of 2025

Arising Out of PS. Case No.-1083 Year-2023 Thana- GAYA MUFASIL District- Gaya

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C.I.C.L. (Raushan Paswan @ Raushan Kumar) S/O Mahendra Paswan
Resident of village- Silkahar, PS- Muffasil, dist- Gaya under the guardianship
of his brother namely Kundan Kumar, Male, Aged about 26 years, Son of
Mahendra Paswan, R/o Village- Silkahar, PS- Muffasil, Distt- Gaya

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Aryan Singh
For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 01-11-2025 Heard the learned counsel for the appellant and

learned APP for the State.

2. The present application has been filed against the
order dated 18.11.2024 passed by the learned Court of Special
Judge (Children's Court), Gaya in connection with Juvenile Trial
no. 4 of 2024 arising out of Gaya Mufassil P.S. Case No. 1083
of 2023 registered under sections 147, 148, 149, 341, 323, 302
and 504 of the Indian Penal Code and section 27 of the Arms
Act and section 3(2) (v) of the SC/ST Prevention of Atrocities
Act by which the prayer for bail of the appellant has been
rejected.

3. As per the prosecution case, the appellant is
accused of committing murder.



4. Learned counsel for the appellant has submitted that the appellant 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 24.01.2024 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 appellant including the brother of the appellant 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 18.11.2024 passed by the learned Court



of Special Judge (Children's Court), Gaya in connection with Juvenile Trial no. 4 of 2024 arising out of Gaya Mufassil P.S.Case No. 1083 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 Special Judge (Children's Court), Gaya in connection with Juvenile Trial no. 4 of 2024 arising out of Gaya Mufassil P.S.Case No. 1083 of 2023, subject to the following conditions:-

(i) that one of the bailors should be the brother of the appellant.

(ii) that the brother 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's 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.

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(Sandeep Kumar, J)

