

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2140 of 2025

Arising Out of PS. Case No.-375 Year-2023 Thana- CHHAURADANO District- East
Champaran

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Khushlal Kumar @ Khush Lal Kumar S/o Sunil Singh @ Sunil Patel R/o
Vill.- Dhapahar, P.S.- Chhauradano, District- East Champaran, Motihari

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Hakul Chaudhari S/o Late Ramadhar Chaudhari R/o Vill.- Dhapahar, P.S.-
Chhauradano, District- East Champaran, Motihari

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajesh Kumar
For the Respondent/s : Mr.Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 16-09-2025 Heard the parties.

2. The present application has been filed against the order dated 4.4.2025 passed by the learned Additional Sessions Judge, 1st-cum-Special Judge, Children Court, Motihari in Children Trial No. 7 of 2024 arising out of Chhauradano P.S. Case No. 375 of 2023 registered for the offence under Sections 341, 323, 420, 376, 504, 506/34 of the Indian Penal Code and under Section 4 of the POCSO 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 rape with the minor victim.

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 27.12.2023 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 father 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 4.4.2025 passed by the learned Additional Sessions Judge, 1st-cum-Special Judge, Children Court, Motihari in Children Trial No. 7 of 2024 arising out of



Chhauradano P.S. Case No. 375 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 Court of Additional Sessions Judge-I-cum-Special Judge, Children Court, Motihari/concerned Court in connection with Children Trial No. 7 of 2024 arising out of Chhaurdano P.S. Case No. 375 of 2023, subject to the following conditions:-

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

(ii) that the father 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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