

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2597 of 2024**

Arising Out of PS. Case No.-147 Year-2023 Thana- JANDAHA District- Vaishali

NIRAJ KUMAR SON OF KAILASH PANDIT R/O- VILLAGE-
RARIYAH, P.S.- TAJPUR, DISTT.- SAMASTIPUR UNDER THE
GUARDIANSHIP OF HIS LEGAL MOTHER NAMELY INDU DEVI W/O-
KAILASH PANDIT, R.O- VILLAGE- RARIYAH, P.S.- TAJPUR, DISTT.-
SAMASTIPUR

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mukesh Kumar no.1, Advocate
For the Respondent/s : Mrs. Abha Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 5 21-02-2025 1. Heard learned counsel for the appellant and
learned APP for the State.
2. The instant appeal has been preferred by the
appellant against the order dated 19.3.2024 whereby the learned
Additional Sessions Judge-cum-Children’s Court, Vaishali at
Hajipur was pleased to reject the application for bail of the
appellant moved under the Juvenile Justice (Care and Protection
of Children) Act, 2015 in connection with Jandaha P.S. Case
no.147 of 2023 registered under sections 366 and 365 of the
Indian Penal Code to which sections 302, 201 and 120B of the
Indian Penal Code was added subsequently.
3. As per the prosecution case, the informant states



that on 17.5.2023 at about 4 pm his 9 year old daughter who was playing with other children disappeared. She was not to be found inspite of search. As such the FIR.

4. It is submitted by learned counsel for the appellant that the appellant was falsely implicated in the case in course of investigation on the basis of the confessional statements of a coaccused as also allegedly that of the appellant made before the police. No such statement was given by the appellant and the statement made before the police is not admissible. It is further submitted that by order dated 22.1.2024 of the Principal Judge, Juvenile Court, Vaishali, Hajipur, the appellant was declared a juvenile as on the date of occurrence. It is submitted that he has no criminal antecedent and is in judicial custody since 23.5.2023. The affidavit of the instant appeal has been sworn by the appellant's mother who is ready to take charge and thus the appellant who is a juvenile be enlarged on bail.

5. The appeal is opposed by learned APP appearing for the State of Bihar.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material that has transpired in course of investigation, the appellant



having been declared a juvenile vide order dated 22.1.2024 (Annexure-2), his not having any criminal antecedent, the contents of the Social Investigation Report with respect to him and the appellant having remain in judicial custody since 23.5.2023, the Court is inclined to allow the appeal.

7. The order impugned dated 19.3.2024 passed by the learned Additional Sessions Judge-cum-Children's Court, Vaishali at Hajipur in connection with Jandaha P.S. Case no.147 of 2023 is set aside and the appeal is allowed.

8. The appellant is directed to be enlarged on bail in connection with Jandaha P.S. Case no. 147 of 2023 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Children's Court, Vaishali at Hajipur.

(Partha Sarthy, J)

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