

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3107 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- LACHHUAR District- Jamui

Chhotu Kumar @ Namdev Son Of Mithlesh Thakur (WRONGLY Mentioned In Impugned Order 21 Years), Resident Of Village - Abhaypur, Police Station - Jamui, District - Jamui, Under The Guardianship Of His Father Namely Mithlesh Thakur, Resident Of Village - Abhaypur, Police Station - Jamui, District - Jamui

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailesh Anand, Advocate
For the Respondent/s : Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 19-04-2025 I have heard the learned counsels for the parties.

2. The appellant has prayed for bail in connection with Lachhuar P.S. Case No. 97 of 2023 registered for the offence under Sections 341, 323, 379, 307, 504, 506 with added Section 302/34 and 120B of the IPC and Section 27 of the Arms Act.

3. The Juvenile Justice Board found that the appellant was minor on the date of commission of offence. However, his prayer for bail was rejected on the basis of his involvement in heinous offence, considering the social investigation report.

4. I have gone through the impugned judgement passed by the learned Special Judge Children's Court in



Children Case No. 7 of 2024. It is not considered by the learned Lower Appellate Court that the appellant was arrested on the basis of statement made by the wife of the deceased. A statement made by a witness is not admissible in evidence against an accused until and unless it is corroborated on material details. The appellant has been in custody for more than one and a half years. No firearm was seized from the possession of the appellant. The learned Lower Appellate Court did not consider and fail to appreciate the ratio laid down by this Court in ***Lalu Kumar & Ors. v. State of Bihar and Ors.*** reported in **2019 4 PLJR 833**.

5. In view of such circumstances, I am inclined to release the appellant on bail.

6. The appellant is directed to be released from custody in connection with Lachhaur P.S. Case No. 97 of 2023 on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each, one of whom must be the parent of the appellant, to the satisfaction of the learned Children's Court at Jamui, with the further condition that if on bail, the Jurisdictional Probation Officer shall remain in touch with the appellant and submit quarterly report of the appellant to the learned Children's Court, Jamui, about the



antecedents of the appellant. If any adverse report is received, the Children’s Court is at liberty to cancel the order of bail of the appellant without further reference to this Bench.

7. The instant Criminal Appeal is, accordingly, allowed.

(Bibek Chaudhuri, J)

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