

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2618 of 2025

Arising Out of PS. Case No.-140 Year-2022 Thana- NAYA RAM NAGAR District- Munger

XX, Son of Sri Karelal Chourasiya @ Sanjay Kumar Resident of Village- Lohcha Patam, P.S-Naya ramnagar, District-Munger, Through his father and Natural Guardian namely, Karelal Chourasiya @ Sanjay Kumar, about 42 years, Male, son of Late Ram Swrup Mandal, R/O Village- Lohcha Ptam, P.S.- Naya Ramnagar, Dist- Munger

... .. Appellant

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Ashok Kumar Yadav, Advocate
For the Respondent	:	Mr. Bal Mukund Prasad Sinha, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 07-08-2025 Heard learned counsel for the appellant and learned Spl. P.P. for the State.

2. Though, the appellant has given full description in the appeal, it would be inappropriate to disclose his identity in view of the statutory provisions prescribed under Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015. He is being referred to in the cause title as “XX”.

3. Registry while uploading the order on the website shall also ensure that the cause title is reflected in similar manner.

4. This Criminal Appeal has been preferred by the appellant against the order dated 02.05.2025, passed by learned



Additional Sessions Judge-Ist-cum-P.O. (Children Court), Munger, in J.J.B. No. 187 of 2024, arising out of Naya Ramnagar P.S. Case No. 140 of 2022, registered for the offences punishable under Sections 302, 120B read with Section 34 of the I.P.C., whereby the application filed by the appellant for grant of regular bail was rejected.

5. As per the prosecution case, the appellant and the other co-accused persons are alleged to have committed murder of the informant's son with a sharp cutting weapons under conspiracy.

6. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case only on the basis of suspicion at the instance of the local police. No incriminating article has been recovered from the possession of the appellant. The appellant has been named in the F.I.R. on the basis of the confessional statement of the co-accused persons, Monu Kumar, Sahil Kumar and Ankit Kumar. It is further submitted that during the course of the investigation, except confessional statement of the aforesaid three co-accused persons, there is no other substantive evidence to suggest the implication of the appellant in the present case. The informant is not an eye witness to the alleged offence. The appellant has no



concern with the alleged offence. It is further submitted that the appellant has earlier suo-motu surrendered in the learned court below on 12.08.2022 but the learned court below did not take the judicial custody of the appellant and remanded in the present case because the appellant's name and his father's name as mentioned in the F.I.R., does not tally with the appellant. There is general and omnibus allegation against the appellant. The appellant has no association with the known criminals except the present case. The appellant has clean antecedent as stated in paragraph no. 3 of the memo of appeal. The appellant is in Observation Home since 31.08.2024 in this case.

7. Learned Spl. P.P. for the State has vehemently opposed the prayer for bail of the appellant. It has further been pointed out that the release of the appellant would defeat the ends of justice.

8. As per the social investigation report as well as the social background report, this Court finds that there is no adverse remark against the appellant and further the presumption of innocence of the child cannot be ruled out.

9. Further, a Division Bench of this Court in ***Lalu Kumar and Ors. Vs. State of Bihar [(2019) 4 PLJR 833]***, has held that seriousness and gravity of the offence alleged cannot



be made a ground for rejecting bail under the Act of 2015.

10. Accordingly, the order dated 02.05.2025, passed by learned Additional Sessions Judge-Ist-cum-P.O. (Children Court), Munger in J.J.B. No. 187 of 2024, arising out of Naya Ramnagar P.S. Case No. 140 of 2022, is set aside and the present criminal appeal is allowed.

11. Let the appellant who has already been declared juvenile by the learned Juvenile Justice Board, be released in favour of his father on execution of bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Ist-cum-P.O. (Children Courts), Munger, in connection with J.J.B. No. 187 of 2024, arising out of Naya Ramnagar P.S. Case No. 140 of 2022, subject to following conditions:-

(i) Natural guardian/father will furnish an undertaking that upon release on bail the appellant will not be permitted to go into contact or association with any known criminal or allowed to be exposed to any moral, physical, or psychological danger and further that the father will ensure that the juvenile will not repeat the offence.



(ii) Natural guardian/father will further furnish an undertaking to the effect that the juvenile will pursue his study at the appropriate level which he would be encouraged to do besides other constructive activities and not be allowed to waste his time in unproductive and excessive recreational pursuits.

(iii) The appellant will be produced as and when required by the Juvenile Justice Board and shall co-operate in the trial.

12. Accordingly, the present criminal appeal stands allowed.

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(Chandra Prakash Singh, J)

