

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2635 of 2025

Arising Out of PS. Case No.-253 Year-2023 Thana- BACHHWARA District- Begusarai

Vikash Kumar S/O Bablu Poddar Resident of Village- Kadrabad, PS-Bachhwara, District- Begusarai, under the Guardianship of his father namely Bablu Poddar, aged about 61 years, S/O Bishwanath Poddar, R/O Village- Kadrabad, PS-Bachhwara, Distt-Begusarai

... .. Appellant/s

Versus

1. The State of Bihar
2. Usha Devi W/O Late Baiju Poddar Resident of Village- Kadrabad, PS-Bachhwara, District- Begusarai,

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Shashank Shekhar
For the Respondent/s	:	Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-11-2025

Seen the office notes.

2. The defects as pointed out by the office is ignored.

3. Heard the parties.

4. The present application has been filed against the order dated 03.06.2025 passed by the learned District and Additional Sessions Judge-1-cum-Special Judge, NDPS Act and P.O. of Children Court, Begusarai in JJCP No. 16 of 2024 arising out of Bachhawara P.S. Case No. 253 of 2023 by which the prayer for bail of the appellant was rejected.

5. As per the prosecution case, the appellant is an accused in a case of murder.

6. 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 24.09.2024 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 father 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 appeal stands allowed and accordingly, the dated 03.06.2025 passed by the learned District and Additional Sessions Judge-1-cum-Special Judge, NDPS Act and P.O. of Children Court, Begusarai in JJCP



No. 16 of 2024 arising out of Bachhawara P.S. Case No. 253 of 2023 is hereby set aside.

9. Let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the concerned Court below in connection with J.J.C.P. No. 16 of 2024 arising out of Bachhwara P.S. Case No. 253 of 2023, subject to the following conditions:-

(i) That one of the bailors should be the father of the appellant;

(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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