

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3280 of 2024

Arising Out of PS. Case No.-214 Year-2022 Thana- BARIYARPUR District- Munger

Ajay Kumar @ Prithwi Raj Dhruv Son of Pramod Mandal under the Guardianship of mother, Namely Gudia Devi W/O- Pramod Mandal Resident of Vill- Itwa (Dashrathpur), P.S.- Dharahra, District- Munger

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vivek Anand Amritesh

For the Respondent/s : Mr.Anand Mohan Prasad Mehta

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 10-01-2025 Heard the parties.

2. The present application has been filed against the order dated 12.06.2024 passed by the Special Judge (Children Court) cum A.D.J.-1, Munger in J.J.B. Case No. 01/2024 (arising out of Bariyarpur P.S. Case No. 214/2022) registered under Section 364/34 of the Indian Penal Code (later on Section 302/120B of the Indian Penal Code have been added) by which the prayer for bail of the appellant (CICL) has been rejected in J.J.B. Case No. 01/2024.

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

4. Learned counsel for the petitioner has submitted that the petitioner 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 in conflict in law but he has remained in jail since 30.12.2022 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 the order dated 12.06.2024 passed by the Special Judge (Children Court) cum A.D.J.-1, Munger in J.J.B. Case No. 01/2024 (arising out of Bariyarpur P.S. Case No. 214/2022) registered under Section 364/34 of the Indian Penal Code (later on Section 302/120B of the Indian Penal Code have been added) by which the prayer for bail of the appellant (CICL) has been rejected in J.J.B. Case No. 01/2024 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 Juvenile Justice Board, Munger/concerned Court below in connection with Bariyarpur P.S. Case No. 214/2022, 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)

Saif/-

U		T	
---	--	---	--

