

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2630 of 2025

Arising Out of PS. Case No.-144 Year-2023 Thana- CHAKIA District- East Champaran

Pradeep Kumar Kushwaha @ Pradeep Kushwaha @ Prabhat Kumar S/O
Harishchandra Prasad Resident of Village- Dihutola, P.S- Madhuban, District-
East Champaran, Motihari.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Karandeep Kumar, Advocate

For the Respondent/s : Ms. Anita Kumari Singh, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 01-11-2025 Heard the parties.

2. The present application has been filed against the order dated 23.04.2025 passed by the learned District and Additional Sessions Judge-I-cum Special Judge, Children's Court, East Champaran, Motihari in connection with Children Trial No. 02 of 2025 arising out of Chakia P.S. Case No. 144 of 2023 registered under Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 8, 20(b)(ii)(c), 22 and 24 of the N.D.P.S. Act by which the prayer for bail of the appellant has been rejected.

3. As per the prosecution case, there is recovery of 1.5 kgs of *Charas* from the possession of the appellant.

4. 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 21.04.2023 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 application is allowed and order dated 23.04.2025 passed by the learned District and Additional Sessions Judge-I-cum Special Judge, Children's Court, East Champaran, Motihari in connection with Children Trial No. 02 of 2025 arising out of Chakia P.S. Case No. 144 of 2023 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 District and Additional Sessions Judge-I-cum-Special Judge, Children's Court, East Champaran, Motihari/concerned Court below in Children Trial No. 02 of 2025 arising out of Chakia P.S. Case No. 144 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)

Neha/-

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

