

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2833 of 2025

Arising Out of PS. Case No.-517 Year-2023 Thana- MADANPUR District- Aurangabad

Sandeep Kumar Son of Pramod Singh Bhokta Village -Kanaudi PS
-Madanpur District- Aurangabad

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rakesh Singh

For the Respondent/s : Mr.Abha Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 10-10-2025 Heard Mr. Krishna Pd. Singh, learned senior
counsel for the appellant and learned APP for the State.

2. The present application has been filed on behalf of the appellant for setting aside the order dated 28.05.2025 passed by the learned District and Additional Sessions Judge-1-cum Special Judge (SC/ST, NDPS and Children Act), Aurangabad in regular bail application on 567 of 2025 arising out of Madanpur P.S. Case No. 517 of 2023 registered for the offence under Section 302, 201 and 34 of the Indian Penal Code.

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

4. Learned counsel for the appellant 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 a child in conflict with law but he has remained in jail since 4.12.2023 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 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 28.05.2025 passed by the learned District and Additional Sessions Judge-1-cum Special Judge (SC/ST, NDPS and Children Act), Aurangabad in regular bail application on 567 of 2025 arising out of Madanpur P.S. Case No. 517 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-1-cum Special Judge (SC/ST, NDPS and Children Act), Aurangabad in connection with Madanpur P.S. Case No. 517 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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