

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2778 of 2025

Arising Out of PS. Case No.-52 Year-2019 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Chandan Bhandari S/o Jivachh Bhandari Real age is 17 years 5 months 7 days, according to juvenile Justice Board, Resident of Village- wrongly mentioned as Bhakua, but real village- Kasma, Marar, P.S.-Khajauli, District-Madhubani under Guardianship of maternal Father Jivach Bhandari, male, aged about 42 years, Son of Suraj Bhandari, Resident of Village-Kasma, Marar, P.S.-Khajauli, District-Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sahnaz Khatoon Wife of Md. Isha Resident of Village- Kasma, Marar, P.S.-Khajauli, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Jitendra Kumar Bharti, Advocate
For the Respondent/s	:	Mr. Zeyaul Hoda, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-11-2025 Heard the parties.

2. The present application has been filed against the order dated 17.06.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Children Court, Madhubani in connection with E.N. Case No. 1537 of 2025 arising out of C.R. Case No. 52 of 2019 dated 03.07.2019 corresponding to T.R. No. 58 of 2024 registered under Sections 366(A), 376, 379 and 34 of the Indian Penal Code and Section 8



of POCSO Act by which the prayer for bail of the appellant has been rejected.

3. As per the prosecution case, the appellant is accused of kidnapping the victim girl.

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 12.10.2024 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 maternal 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 17.06.2025 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Children Court, Madhubani in connection with E.N. Case No. 1537 of 2025 arising out of C.R. Case No. 52 of 2019 dated 03.07.2019 corresponding to T.R. No. 58 of 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 Additional Sessions Judge-I-cum-Special Judge, Children Court, Madhubani/concerned Court below in connection with E.N. Case No. 1537 of 2025 arising out of C.R. Case No. 52 of 2019 subject to the following conditions:-

(i) that one of the bailors should be the maternal father of the appellant.

(ii) that the maternal 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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