

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3005 of 2025

Arising Out of PS. Case No.-233 Year-2024 Thana- SANDESH District- Bhojpur

Shri Kant Kumar @ Shrikant Mahto @ R.J.D. @ Shrikant S/O Yadu Nath Mahto (Under the guardianship of his other namely Prabha Devi aged about 59 years). Resident of Village- Khandol, P.S.- Sandesh, District- Bhojpur (Ara).

... .. Appellant/s

Versus

1. The State of Bihar
2. Reeta Devi W/O Shree Krishna Singh Contractor of Cluster No. 18 Sone ghat, Near- Coilwar Sone River, P.S- Sandesh, Dist.- Bhojpur (Ara).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bachan Jee Ojha, Adv.
For the Respondent/s : Mr. Zeyaul Hoda, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-11-2025 Heard learned 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 25.06.2025 passed in B.P. No. 2351/2025 passed by Learned A.D.J- 1st Cum- Spl. Judge, Spl. Children Court Bhojpur at Ara by which regular bail of the appellant was rejected who has been made accused in Sandesh P.S. Case no. 233/ 2024 for the offence under sections 310 (2), 311, 109 of B.N.S. and 27 Arms Act.

3. As per the prosecution case, the appellant is accused in a case of firing and loot.

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 14.08.2024 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 mother 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 25.06.2025, 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 A.D.J-
1st-Cum- Spl. Judge, Spl. Children Court Bhojpur, Ara subject
to the following conditions:-

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

(ii) that the mother 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.

Siddharth Soni/-

(Sandeep Kumar, J)

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