

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3738 of 2024

Arising Out of PS. Case No.-129 Year-2022 Thana- PATAHI District- East Champaran

Shivbharat Chaudhari @ Shivarat Choudhari @ Nehal S/O Mahant Surya
Prakash Das @ Surya Prakash Das R/O Vill.- Bokane kala, P.S.- Patahi, Dist.-
East champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Lalan Prasad Chaudhari S/O Late Ramautar Chaudhari R/O Village- Bokane
Kala, P.S- Patahi, Distt.- East Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Priyesh Kumar
For the Respondent/s : Mr.Abhay Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 27-06-2025 Heard learned counsel for the appellants and learned
APP for the State.

2. This criminal appeal has been preferred against the
order dated 09.07.2024 in Children Trial No.05 of 2024 passed
by learned 1st Additional Sessions Judge-cum-Special Judge,
Childrens Court, East Champaran, Motihari, rejecting the prayer
for bail made on behalf of the appellant in connection with
Patahi P.S. Case No. 129 of 2022 instituted for the offences
punishable under section 302, 328/34 of the Indian Penal Code.

3. The earlier anticipatory bail of the appellant was
rejected by this Court vide order dated 08.11.2023 in Cr. Misc.
No. 53361 of 2023.



4. Co-accused, Sunni Kumar Chaudhary, is brother of the deceased. The son of the deceased has also been arrayed as an accused, while the present appellant is nephew of the informant. According to the FIR, the accused persons administered poisonous substance to the deceased.

5. Learned counsel for the appellant has submitted that other accused persons, including Sunni Kumar Chaudhary, have been granted bail. This appellant has been declared juvenile, and the impugned order shows that in the Social Investigation Report, nothing emerged which shows that the appellant may come into contact with known criminals or there is physical or psychological danger to him, if he is released on bail. The appellant is under custody since 30-11-2023.

6. Considering the above-mentioned facts and circumstances, this criminal appeal is allowed and the order dated 09.07.2024 in Children Trial No.05 of 2024 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Childrens Court, East Champaran, Motihari is set aside.

7. Let the appellant, who has already been declared juvenile by the learned Juvenile Justice Board, be released in favour of his parents on execution of surety bond of Rs. 10,000/- (ten thousand) to the satisfaction of learned 1st



Additional Sessions Judge-cum-Special Judge, Children Court,
East Champaran, Motihari in connection with Patahi P.S. Case
No. 129 of 2022 with the condition that the father of appellant
shall furnish an undertaking that while the appellant is on bail,
he will not allow the appellant to come in company/association
with any criminal or anti social elements and he will take proper
care of the appellant. Further, the appellant will be produced as
and when required by the court below and shall cooperate
during the trial.

(Nawneet Kumar Pandey, J)

kundan/-

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

