

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3252 of 2025**

Arising Out of PS. Case No.-16 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

Vikash Kumar @ Vikash Son of Cholhal Tanti @ Cholhai Mandal @ Chulaha Mandal Resident Of Village - Barhari Ps- Ghoradih, Dist- Bhagalpur Through his father namely cholhai Tanti @ Cholhai Mandal @ Chulaha Mandal
... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dhananjay Kumar Gupta, Advocate
For the Respondent/s : Mr. Mukeshwar Dayal, 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 judgment/ order dated 10.06.2025 and 22.07.2025 passed by the learned District and Additional Sessions Judge-1-Cum-Special Judge (Children), Bhagalpur in Special (Children) Case No. 08 of 2020 connection with Jagdishpur (Goradih) P.S. Case No. 16 of 2020 registered under Sections 376 of the Indian Penal Code by which the prayer for bail of the appellant has been rejected.

3. The appellant has misused the privilege of bail granted by the Court below.

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 27.05.2025 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 judgment/ order dated 10.06.2025 and 22.07.2025 passed by the learned District and Additional Sessions Judge-1-Cum-Special Judge (Children), Bhagalpur in Special (Children) Case No. 08 of 2020 connection with Jagdishpur (Goradih) P.S. Case No. 16 of 2020 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 (Children), Bhagalpur/concerned Court below in connection with Special (Children) Case No. 08 of 2020 arising out of Jagdishpur (Goradih) P.S. Case No. 16 of 2020 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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