

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3995 of 2024

Arising Out of PS. Case No.-227 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Vikash Kumar Son of Sachindanand Ray Resident of Village- Gawandra
Ward No. 10, P.S.- Chakia, (Kalyanpur), Distt.-East Champaran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Harendra Kumar Singh, Advocate
For the Respondent/s : Mr. Syed Ashfaque Ahmad, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 19-03-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 against the refusal of prayer for bail by the
learned A.D.J.-I-cum-Special Judge, Children's Court, East
Champaran, Motihari in connection with Motihari Town Police
Station Case No.227 of 2022 registered under Section 414 of the
Indian Penal Code and Section 25(1-b)a, 26 of Arms Act and
Section 3/4 Explosive Substance Act.

3. Learned counsel for the appellant submits that
appellant was earlier moved before this Hon'ble Court for
granting bail and his bail application was rejected vide order



22.02.2023 passed in Cr. Misc. No.54156 of 2022 with a direction to conclude the trial within one year from the date of disposal.

4. Learned counsel for the appellant further submits that the appellant was declared juvenile subsequently and only due to this reason he has moved before the Children Court for bail and after rejection he is come before this Court. He further submits that the appellant was declared juvenile and as such he cannot be treated as accused, rather he is now a Child in Conflict with Law. He further submits that the appellant is languishing in remand home since 11.05.2022 and his father is ready to make undertaking that he shall do all the needful so that appellant shall not be involved in such type of illegal activities. He further submits that the appellant has no criminal antecedent and therefore, a sympathetic attitude is required to be taken against him.

5. Learned Special Public Prosecutor for the State, on the other hand, submits that in SIR and SBR report, the appellant/Child in Conflict with Law is boy of shower nature and he has been declared juvenile.

6. Learned counsel for the appellant further submits that it is true that several incriminating article has been



recovered from the rented room of the appellant but since he is juvenile and his father is ready to undertake before the Court that his son, who is in Conflict with Law shall not involve in such type of illegal activities in future.

7. From the report, it transpires to this Court that out of eight charge sheet witnesses, four witnesses were examined and rest four witnesses are yet to be examined.

8. Considering the aforesaid fact and circumstances, let the appellant, above named, be released on bail on furnishing bail bond of Rs.30,000/- (Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court- below where the case is pending in connection with the aforesaid case, with undertaking to his father according to the Juvenile Justice Act.

9. Accordingly, the impugned order dated 27.06.2024 passed by the learned A.D.J.-cum-Special Judge, Children's Court, East Champaran, Motihari is set aside and appeal is allowed.

(Dr. Anshuman, J)

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