

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3330 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- PHULWARIA District- Begusarai

XX, S/O Upendra Das, R/O Village- Phulwaria Baro Bhit, Ward No. 26, P.S.- Phulwaria, District- Begusarai, through his Natural Guardian, Mother, namely, Pramila Devi, aged about 41 Years (Female), W/o Upendra Das, R/o Village- Phulwaria Baro Bhit, Ward No.- 26, P.S.- Phulwaria, District- Begusarai

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant : Mr. Krishna Prabhat, Advocate
For the Respondent : Mrs. Anita Kumari Singh, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 13-10-2025 Learned counsel for the appellant is permitted to file the Social Investigation Report of the appellant in course of the day.

2. Heard learned counsel for the appellant and learned Spl. P.P. for the State.

3. Though, the appellant has given full description in the appeal, it would be inappropriate to disclose his identity in view of the statutory provisions prescribed under Section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015. He is being referred to in the cause title as “XX”.

4. Registry while uploading the order on the website shall also ensure that the cause title is reflected in similar



manner.

5. This Criminal Appeal has been preferred by the appellant against the order dated 01.07.2025, passed by learned District and Additional Sessions Judge-I-cum-Special Judge, N.D.P.S. Act and Presiding Officer of the Children Court, Begusarai in J.J.C.P. Case No. 04 of 2025, arising out of Phulwaria P.S. Case No. 15 of 2025, registered for the offences punishable under Sections 103(1) read with Section 3 (5) of the B.N.S., 2023 and Section 27 of the Arms Act, whereby the application filed by the appellant for grant of regular bail was rejected.

6. As per the prosecution case, on 01.02.2025, the informant returned to the house then he saw that the informant's son Rahul Kumar alongwith his cousin Ayush Kumar and friend Piyush Kumar were talking to each other under the tree. After sometime, his nephew Ayush Kumar came and informed the informant that his son and the petitioner Rahul Kumar and others were involved in a scuffle. He also informed that Rahul Kumar (petitioner) was armed with a pistol. In the meantime, the informant heard the sound of firing. The informant and his nephew went towards the place of occurrence then both of them saw that the petitioner and the other co-accused person Piyush



Kumar were fleeing away from the scene of occurrence and the informant found his son lying on the ground. His son had received gun shot injury over his forehead and blood was oozing out and a *khokha* was lying on the spot. The informant raised alarm then the nearby people came and the son of the informant was taken to the hospital but on the way, his son died.

7. Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case. It is further submitted that the informant is not an eye witness to the alleged offence rather he rushed to the place of occurrence on hearing the sound of firing and he saw that the appellant alongwith the co-accused Piyush Kumar were running away from the place of occurrence carrying a pistol in his hand. It is further submitted that the appellant has been arrested and his confessional statement was recorded by the police in which he has stated that the gun shot was fired accidentally which has got no evidentiary value in the eyes of law. It is further submitted that the weapon used in the alleged offence has been recovered from the possession of the other co-accused person, Manjesh Kumar, and the said other co-accused person, Manjesh Kumar, has already been granted bail by a Bench of this Court in Cr. Misc. No. 42682 of 2025 vide order dated 16.07.2025. No



incriminating article has been recovered from the possession of the appellant. It is further submitted that the appellant was a friend of the deceased, and as such, there is no motive or gain for the appellant to get himself involved in such an unfortunate occurrence. The appellant has clean antecedent as stated in paragraph no. 3 of the Memo of Appeal. He is in custody since 03.02.2025 in this case.

8. Learned Spl. P.P. for the State has vehemently opposed the prayer for bail of the appellant. It has further been pointed out that the release of the appellant would defeat the ends of justice.

9. As per the social investigation report as well as the social background report, this Court finds that there is no adverse remark against the appellant and further the presumption of innocence of the child cannot be ruled out.

10. Further, a Division Bench of this Court in ***Lalu Kumar and Ors. Vs. State of Bihar [(2019) 4 PLJR 833]***, has held that seriousness and gravity of the offence alleged cannot be made a ground for rejecting bail under the Act of 2015.

11. Accordingly, the order dated 01.07.2025, passed by learned District and Additional Sessions Judge-I-cum-Special Judge, N.D.P.S. Act and the Presiding Officer of the Children



Court, Begusarai, in J.J. C.P. Case No. 04 of 2025, arising out of Phulwaria P.S. Case No. 15 of 2025, is set aside and the present criminal appeal is allowed.

12. Let the appellant who has already been declared juvenile by the learned Juvenile Justice Board, be released in favour of his mother on execution of bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-I-cum-Special Judge, N.D.P.S. Act and the Presiding Officer of the Children Court, Begusarai, in connection with J.J.C.P. Case No. 04 of 2025, arising out of Phulwaria P.S. Case No. 15 of 2025, subject to following conditions:-

(i) Natural guardian/mother will furnish an undertaking that upon release on bail the appellant will not be permitted to go into contact or association with any known criminal or allowed to be exposed to any moral, physical, or psychological danger and further the mother will ensure that the juvenile will not repeat the offence.

(ii) Natural guardian/mother will further



furnish an undertaking to the effect that the juvenile will pursue his study at the appropriate level which he would be encouraged to do besides other constructive activities and not be allowed to waste his time in unproductive and excessive recreational pursuits.

(iii) The appellant will be produced as and when required by the Juvenile Justice Board and shall co-operate in the trial.

13. Accordingly, the present criminal appeal stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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

