

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3332 of 2025

Arising Out of PS. Case No.-247 Year-2023 Thana- HARLAKHI District- Madhubani

Md. Wajiullah @ Wajihullah S/o- Abdul Bari @ Abdul Barik @ Abdul Barik Ansari R/o - Kashera, P.S - Harlakhi, District - Madhubani, appellant under Guardianship of his father Abdul Bari @ Abdul Barik @ Abdul Barik Ansari S/o- md. Harun @ Harun Ansari

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. X D/o- Shafi Ahmad Village- Kashera W.No-10, Ps- Harlakhi Dist- Madhubani

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Jha, Adv.
For the Respondent/s : Mr.Abha Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-11-2025 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 20.06.2025 passed by the learned Court of 1st Additional Sessions Judge-cum-Children Judge, Madhubani vide E.N. No. 1614 of 2025 in connection with Harlakhi P.S. Case No. 247 of 2023 registered for the offence under Sections 376, 312, 120(B) of the Indian Penal Code and under Section 3/4 of the POCSO Act.

3. As per the prosecution case, the appellant is accused in a case of rape.

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 custody since 25.04.2024 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 **father** 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 20.06.2025 passed by the learned Court of 1st Additional Sessions Judge-cum-Children Judge, Madhubani vide E.N. No. 1614 of 2025 in connection with



Harlakhi P.S. Case No. 247 of 2023, 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 Court of 1st Additional Sessions Judge-cum-Children Judge, Madhubani /concerned Court below in connection with Harlakhi P.S. Case No. 247 of 2023, 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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