

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3409 of 2025

Arising Out of PS. Case No.-258 Year-2023 Thana- PUNAURA District- Sitamarhi

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X son of Umesh Rai @ Umesh Kumar under the Guardianship of his father
Umesh Rai @ Umesh Kumar Resident of Village- Gopnathpur, P.S.- Dumra,
Dist- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha, Advocate

For the Respondent/s : Ms. Anita Kumari Singh, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-11-2025

Heard the parties.

2. The present application has been filed against the order dated 07.07.2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Children's Court, Sitamarhi in connection with Trial No. 17 of 2024 arising out of Punaura P.S. Case No. 258 of 2023 registered under Sections 302, 120B and 34 of the Indian Penal Code by which the prayer for bail of the appellant has been rejected.

3. As per the prosecution case, the appellant is accused of killing the deceased.

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 23.11.2023 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 mother 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 order dated 07.07.2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Children's Court, Sitamarhi in connection with Trial No. 17 of 2024 arising out of Punaura P.S. Case No. 258 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 1st Additional Sessions Judge-cum-Special Judge, Children's Court, Sitamarhi/concerned Court below in connection with Trial No. 17 of 2024 arising out of Punaura P.S. Case No. 258 of 2023 subject to the following conditions:-

(i) that one of the bailors should be the mother of the appellant.

(ii) that the mother of the appellant shall file an affidavit before the concerned Court below, giving specific undertaking that after release of the appellant on bail, she 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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