

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4479 of 2024

In
CRIMINAL REVISION No.157 of 2024

Arising Out of PS. Case No.-253 Year-2023 Thana- MUNGER MUFFASIL District- Munger

Badal Kumar @ Aryan Kumar @ Badal Sah Son of Prakash Saw village-
Maniyarchak, Po- Naugarhi, Ps- Mufassil, Dist- Munger Trough Mother,
Natural Guardian, Budhani Devi, Age about 42 years, F, Wife of Prakash Saw,
village- Maniyarchak, PO- Naugarhi, Ps- Mufassil, dist- Munger

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vikram Singh, Adv. Mrs. Jyoti Ranjan Jha, Adv. Mrs. Shrishti Rani, Adv.
For the Respondent/s	:	Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

9 18-04-2025 Heard Learned Counsel for the appellant and
Learned Special Public Prosecutor for the State.

2. The present Cr. Appeal (SJ) Application has been
filed for setting aside the order dated 13.12.2023 passed by
Court of First Addl. Sessions Judge-cum- Special Judge,
Children Court, Munger in J.J.B. No.144 of 2023 arising out of
Muffasil P.S. Case No.253 of 2023, for the offences punishable
under sections 302/34 of the IPC.

3. As per the prosecution, FIR has been lodged against
three named accused persons including the appellant with
allegation of murder of informant's husband.



4. Learned Counsel for the appellant submits that the appellant is innocent and has committed no offence. Counsel also submits that the appellant is a juvenile and he is under conflict with law. He further submits that age of the appellant has been determined by the J.J. Board and declared him juvenile.

5. Counsel further submits that mother of the appellant is ready to take responsibility of the appellant so that her child will not come in influence of the illegal members of the society. He further submits that mother is only competent person as father is insane and unable to take care of appellant, therefore, mother is taking undertaking by way of filing a supplementary affidavit.

6. Counsel further submits that the criminal antecedent of the appellant is clean and he is in custody since 15.07.2023.

7. Learned Special Public Prosecutor for the State opposes the prayer for bail of the appellant and submits that appellant is admittedly a juvenile as on the date of occurrence, his age was 17 years 4 months and 22 days which is less than 18 years and mother is ready to undertake about his son, who is the natural guardian of the appellant.



8. In the present facts and circumstances of this case, let the appellant above named be granted bail, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge -cum- Special Judge, Children Court, Munger in connection with J.J.B. No.144 of 2023 arising out of Muffasil P.S. Case No.253 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as with undertaking of appellant's mother with condition that the said appellant/juvenile who is in conflict with law, shall periodically visit before the Chairman, Child Committee twice in a month for his observation.

9. Accordingly, the order dated 13.12.2023 passed by Court of First Addl. Sessions Judge-cum- Special Judge, Children Court, Munger in J.J.B. No.144 of 2023 arising out of Muffasil P.S. Case No.253 of 2023 is hereby set aside.

(Dr. Anshuman, J.)

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