

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3691 of 2025

Arising Out of PS. Case No.-730 Year-2022 Thana- SAHARSA SADAR District- Saharsa

Chetan Kumar Son of Ramchandra Sah @ Ram Chandar Sah Resident of Mohalla- Patel Nagar ward No. 31, Saharsa P.S.- Saharsa Sadar District- Saharsa, Bihar, through his natural father guardian namely Ramchandra Sah @ Ramchandar Sah Male aged about 57 years, Son of Soman Sah, Resident of Mohalla- Patel Nagar ward No. 31, Saharsa P.S.- Saharsa Sadar District- Saharsa

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amarnath Jha, Advocate

For the Respondent/s : Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-09-2025 Heard the parties.

2. The present application has been filed against the order dated 14.07.2025 passed by the learned Additional Sessions Judge, 1st-cum-Children's Court, Saharsa in connection with Saharsa Sadar P.S. Case No. 730 of 2022 corresponding to Spl. (Child) Case No. 06 of 2024 registered under Sections 363, 365 and 34 of the Indian Penal Code and subsequently added Sections 364, 302, 201 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act by which the prayer for bail of the appellant has been rejected.

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

4. Learned counsel for the petitioner 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 jail since 17.10.2022 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 petitioner 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 order dated 14.07.2025 passed by the learned Additional Sessions Judge, 1st-cum-Children Court, Saharsa in connection with Saharsa Sadar P.S. Case No. 730 of 2022 corresponding to Special (Child) Case No. 06 of 2024 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 Additional Sessions Judge-1st-cum-Children Court, Saharsa/concerned Court below in connection with Saharsa Sadar P.S. Case No. 730 of 2022 corresponding to Special (Child) Case No. 06 of 2024 subject to the following conditions:-

(i) that one of the bailors should be the father of the petitioner.

(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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