

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3837 of 2025

Arising Out of PS. Case No.-240 Year-2024 Thana- PIPRAKOTHI District- East Champaran

Akash Vyapari Son of Dukhi Vyapari @ Dukhi Ranjan Vyapari Resident of village - Jhakhara colony, Ward no. 12, Ps- Piprakothi, Dist- East Champaran through his mother/ guardian namely, rita Devi Aged about 46 years wife of Dukhi Vyapari, Resident of Village- Jhakhara Colony, Ward no. 12, PS - Piprakothi, Dist- East Champaran

... .. Appellant

Versus

The State of Bihar

... .. Respondents

Appearance :

For the Appellant	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 27-11-2025 Heard learned counsel for the appellant and learned APP for the State.

2. The present appeal has been filed on behalf of the appellant for setting aside the order dated 05.08.2025 passed by the District & Additional Sessions Judge-1, East Champaran at Motihari, in Children Trial No.09 of 2025, arising out of Piprakothi P.S. Case No.240 of 2024 registered for the offence under sections 109, 103 and 3(5) of B.N.S., 2023.

3. As per the prosecution case, the appellant and others are said to have assaulted the husband of the informant and due to which, he died in course of treatment.

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 13.10.2024 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 the family members of the appellant including her **mother** 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 05.08.2025 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 District and Additional Sessions Judge-I, East Champaran at Motihari, in connection with Children Trial No.09 of 2025, arising out of Piprakothi P.S. Case No.240 of 2024, 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, 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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