

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3909 of 2025

Arising Out of PS. Case No.-59 Year-2024 Thana- BASANHI District- Saharsa

Abhinav Ananad S/o Lalan Kumar Yadav @ Lalan Yadav R/O vill.-
Chharrapatti, P.S.- Udakishunganj, Distt. - Madhepura, through father, natural
guardian, Lalan Kumar Yadav @ Lalan Yadav, aged about 45 years, s/o
Rajendra Yadav, r/o, vill- Chharrapatti, P.S.-Appellant. Udakishunganj, Distt.
- Madhepura,

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Raghaw Kumar, Advocate
For the Respondent/s : Ms.Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 25-11-2025 Heard learned counsel for the appellant and learned
APP for the State.

2. The present application has been filed on behalf of
the appellant to set aside the Judgment dated 15th, July, 2025,
rendered by learned Court of Additional Session Judge, 1st-cum-
Children Court, Saharsa in Cr. Appeal No. 06/2025 by which the
prayer of bail has been refused, up holding the order dated
16/07/2024 passed by learned A.C.J.M.-cum- Principal Magistrate,
J. J. Board, Saharsa, in J.J.B. 74/2024 arising out of Basnahi, P. S.
case no. 59/2024, and order dated 16/07/2024 passed by learned
A.C.J.M., cum Principal Magistrate, J. J. Board, Saharsa, in J.J.B.
74/2024 arising out of Basnahi, P. S. case no. 59/2024, for the
offence under section 341, 323, 307, 447, 504, 34 and 120-B of



I.P.C. and later on 302 of I.P.C., was added vide order dated 05/04/2024, by which the prayer for bail of the appellant has been refused.

3. As per the prosecution case, the appellant is accused in a case for committing murder.

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 observation home since 28.03.2024 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 15.07.2025, 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 A.C.J.M.-cum-Principal Magistrate, J.J. Board, Saharsa in J.J.B. 74/2024 arising out of Basnahi P.S. Case No. 59/2024, 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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