

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3912 of 2025

Arising Out of PS. Case No.-33 Year-2021 Thana- PIPRA District- Supaul

Manish Kumar S/o Niranjan Sah Resident of Ithara (Navtol), Ward No. 9,
Gamhara, Rampur, P.S- Saur Bazar, Distt.- Saharsa.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Kamal Kishore Singh, Adv.
For the Respondent/s : Mr. Zeyaul Hoda, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-11-2025 Heard learned counsel for the appellant and
learned APP for the State.

2. The present application has been filed to set aside the order dated 07.08.2025 passed by the court of learned Additional sessions Judge 1st Cum Presiding Officer, Children Court Supaul in G.R. No. 223 of 2021 arising out of Pipra P.S. Case No. 33 of 2021 for the offence Under Section 398,302,307,120(B) I.P.C. and Section 25 (1-b) a 27, 35 Arms Act. whereby and where under the said learned court below has illegally upheld the order of the learned juvenile justice Board supaul dated 30.03.2022 refusing prayer for bail of the appellant in J.J Board in Pipra P.S. Case 33 of 2021, G.R. 223/2021, ER-46 of 2021.

3. As per the prosecution case, the appellant is



accused in a case of 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 jail since 15.03.2021 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 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 07.08.2025, 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 Additional Session Judge 1st-Cum-Special Children Court, Madhubani subject to the following conditions:-

(i) that one of the bailors should be 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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