

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3992 of 2025

Arising Out of PS. Case No.-364 Year-2024 Thana- NEMDARGANJ District- Nawada

Laxman Kumar Yadav @ Niranjan Kumar @ Laxman Kumar S/O Munni Yadav R/O Village- Jalalpur, P.S- Nemdarganj, Distt.- Nawada. Under guardianship of his grand father(Nana) Vishun Yadav, aged about 75 years, S/O Buddhu Yadav, R/O Village- Viswanpur, P.O- Tangir, P.S- Rajauli, Dist.- Nawada.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Kumar Sinha
For the Respondent/s : Ms. Abha Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-11-2025 Heard the parties.

2. The present application has been filed against the order dated 06.08.2025 passed by the learned District and Additional Sessions Judge 1st, Nawada in connection with Child Case No. 2 of 2025 arising out of Nardiganj P.S. Case No. 364 of 2024 registered under Sections 190, 191(2), 126(2), 115(2), 117(2), 109, 324(4) of the Bharatiya Nyaya Sanhita, 2023 and later on Section 103(1) was added.

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

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 12.03.2025 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 Maternal Grandfather (Nana) of the appellant 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 appeal stands allowed and accordingly, the order dated 06.08.2025 passed by the learned District and Additional Sessions Judge 1st, Nawada in connection with Child Case No. 2 of 2025 arising out of Nardiganj P.S. Case No. 364 of 2024 is hereby set aside.



9. Let the appellant, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge 1st, Nawada/concerned Court in connection with Child Case No. 2 of 2025 arising out of Nardiganj P.S. Case No. 364 of 2024 subject to the following conditions:-

- (i) That one of the bailors should be the maternal grandfather (Nana) of the appellant;*
- (ii) That the maternal grandfather (Nana) 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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