

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4180 of 2025

Arising Out of PS. Case No.-62 Year-2024 Thana- LAKHAURA District- East Champaran

Tiyai Sah @ Niraj Kumar son of Late Shiv Dhari Shah Resident of Village
-Naurangia Ps -Lakhaura District -East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. Kanhai sah Son of Late Lakshman sah Resident of Village -Naurangia Ps
-Lakhaura District -East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar No.Iii, Advocate
For the Respondent/s : Ms. Anita Kumari Singh, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-11-2025 Heard the parties.

2. The present application has been filed against the order dated 26.08.2025 passed by the learned District and Additional Sessions Judge-I, East Champaran, Motihari in connection with Children Trial No. 08 of 2025 arising out of Lakhaura P.S. Case No. 62 of 2024 registered under Sections 302, 120B and 34 of the Indian Penal Code 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 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 24.06.2024 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 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 application is allowed and order dated 26.08.2025 passed by the learned District and Additional Sessions Judge-I, East Champaran, Motihari in connection with Children Trial No. 08 of 2025 arising out of Lakhaura P.S. Case No. 62 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 District and Additional Sessions Judge-I, East Champaran/concerned Court below in connection with Children Trial No. 08 of 2025 arising out of Lakhaura P.S. Case No. 62 of 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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