

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4543 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- JOGBANI District- Araria

Chandu Kumar @ Chandu Kumar Sharma @ Chandu Sharma Son of Vikash Kumar Sharma @ Vikash Sharma Resident of Hajimahlla, Ward No.- 07, Police Station - Jogbani, District - Araria (Bihar), represented through and under the guardianship of father and natural guardian namely Vikash Kumar Sharma @ Vikash Sharma, Gender Male, aged about 43 Years, Son of Anandi Mistri, Resident of Hajimahlla, Ward No.- 07, Police Station - Jogbani, District - Araria (Bihar)

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Kumar Ravish Mr. Sanjay Kumar Sharma Mr. Rohit Kumar
For the Respondent/s	:	Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 13-11-2025 This case has been notified today on the urgent mentioning of the learned counsel for the appellant as the appellant has to appear in the intermediate examining which is going to take place from 19th of November, 2025.

2. Heard learned counsel for the appellant and learned APP for the State.

3. The present application has been filed on behalf of the appellant against the order dated 14.10.2025 passed in Criminal Appeal No. 27 of 2025 (CIS No. 12 of 2025) by the learned Additional District and Sessions Judge-1st-cum-Special Judge, Children Court, Araria in connection with Juvenile



Justice Board Case No. 39 of 2025 arising out of Jogbani P.S.
Case No. 52 of 2025 registered for the offence under Sections
21 and 22 of the NDPS Act.

4. As per the prosecution case, 40 grams of brown sugar has been recovered from the possession of the appellant.

5. 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. He further submits that the appellant has to appear in the intermediate examination and in support of the same he has also annexed the supporting document with this appeal.

6. 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.

7. He further submits that though the appellant is a child in conflict with law but he has remained in jail since 24.04.2025 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.



8. 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.

9. Considering the aforesaid facts, this application is allowed and the order dated 14.10.2025 passed in Criminal Appeal No. 27 of 2025 (CIS No. 12 of 2025) by the learned Additional District and Sessions Judge-1st-cum-Special Judge, Children Court, Araria in connection with Juvenile Justice Board Case No. 39 of 2025 arising out of Jogbani P.S. Case No. 52 of 2025, is hereby set aside.

10. 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 District and Sessions Judge-1st-cum-Special Judge, Children Court, Araria/concerned Court below in connection with Juvenile Justice Board Case No. 39 of 2025 arising out of Jogbani P.S. Case No. 52 of 2025, 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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