

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4650 of 2025

Arising Out of PS. Case No.-246 Year-2022 Thana- CHAKIA District- East Champaran

Abhishek Kumar @ Master Son of Surendra Prasad Yadav @ Surendra Yadav
Resident of village- Kushar, P.S.- Kesariya, District- East Champaran,
through his Father/Guardian, namely, Surendra Prasad Yadav @ Surendra
Yadav, aged about 51 Years (M), son of Late Pathal Ray, resident of village-
Kushar, P.S.- Kesariya, District- East Champara

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar, Adv.

Mr. Hemant Ray, Adv.

For the Respondent/s : Mr.Syed Ashfaque Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-11-2025 Heard learned counsel for the appellant and
learned APP for the State.

2. The present application has been filed on behalf of
the appellant for setting aside the order dated 25.07.2025 passed
by the learned District and Additional Sessions Judge-1, East
Champaran at Motihari in connection with Children Trial No. 07
of 2025 arising out of Chakia P.S. Case No. 246 of 2022
registered for the offence under Sections 20, 22, 24 of the NDPS
Act.

3. As per the prosecution case, the recovery is of 500
gms. of *Charas* from the appellant.

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 16.06.2022 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 his **father** 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 25.07.2025 passed by the learned District and Additional Sessions Judge-1, East Champaran at Motihari in connection with Children Trial No. 07 of 2025 arising out of Chakia P.S. Case No. 246 of 2022, 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-1, East Champaran at Motihari/concerned Court below in connection with Children Trial No. 07 of 2025 arising out of Chakia P.S. Case No. 246 of 2022, 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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