

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5539 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- AMAUR District- Purnia

Kush Kumar Mandal son of Mangu Mandal @ Maangu Mandal village- Fakir toli, Ps- Amour, dist- Purnia under Guardianship of Father Mangu Mandal @ Maangu Mandal Male about 60 years, son of Sindha Mandal Village- Fakir toli, Ps- Amour, dist- Purnia

... .. Appellant/s

Versus

1. The State of Bihar
2. Niraj Mandal son of Jitu Mandal Village- Fakir toli, Ward no. 7, Ps- Amour, dist- Purnia

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Binod Kumar Yadav, Advocate
For the Respondent/s : Mr. Abha Singh, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 08-08-2025 The father of the CICL has filed the instant appeal assailing an order of the learned Additional Sessions Judge-1st-cum-Special Judge, Children's Court at Purnia passed in Amour P.S. Case No.43 of 2023 on 06.07.2024.

2. One Neeraj Mandal made a statement before the S.H.O. Amour Police Station, stating inter-alia, that on 09.02.2023 at about 05:55 p.m. his minor daughter aged about 05 years went away from her husband with her friends to play. However, till late evening the said little girl did not return, the father of the girl and his neighbours conducted a search for his little girl, but did not find her. On 10.02.2023, two friends of the daughter of the informant (names of the said two friends are not



disclosed in the order) informed the informant and other villagers that on 09.02.2023 at about 4:00 p.m. the daughter of the informant was playing with them by the side of the place where village Kaali Puja is performed. At that time the CICL took the daughter of the informant away, with the CICL one Md. Quesar and Labin Mandal were present. The informant and villagers then apprehended Mohd. Quesar and Labin Mandal and interrogated them. They admitted, that they eloped the victim girl and took her away inside maze field. Thereafter, they committed rape upon victim and murdered her. They also disclosed that they concealed the dead-body of the victim inside Banana grow of one Nemu Lal Sharam. The villagers took them to the spot, where the dead-body of the victim was kept concealed and recovered blood stain dead-body of the said little girl.

3. The victim was produced before the Juvenile Justice Board, Purnia on 10.06.2024 an inquiry under Section 15 was made by the Board for preliminary assessment with regard to mental and physical capacity of the CICL to commit such offence, agreed to understand the consequences of the offence and the circumstances in which he allegedly committed the offence. After preliminary assessment contemplated in Section



15, the Board passed an order under Section 18(3) of the said Act that the CICL needs to be tried by the Children's Court.

4. The learned Advocate on behalf of the CICL has filed written argument stating, inter-alia, that the CICL had no criminal antecedent. He is in judicial custody since 11.02.2023 and the offence of rape has not been proved by way of medical evidence during investigation of the case.

5. The CICL was aged about 17 years on the date of filing of the case in the year 2024, so he was on the verge of attaining majority when the offence was committed. A girl of 05 years was eloped by three persons including the CICL. She was ravished inside a maze field, then the perpetrators of offence took her to a Banana grow committed murder of her and threw away her dead-body inside the grow with a view to concealing the evidence. The entire chain of act establishes culpable mental estate of the CICL.

6. In support of the finding of this Court a recent decision of the Hon'ble Supreme Court in *X Vs. The State of Uttarakhand and another, Criminal Appeal No.287/2025, arising out of SLP(Crl.) No.11822/2024* may be relied upon.

7. Considering the heinous nature of offence, this Court is of the view that the Trial Court did not commit any



error in rejecting the prayer for bail of the juvenile.

8. Accordingly, I do not find any reason to interfere against the order passed by the learned Special Judge, Children’s Court at Purnia in Amour P.S. Case No.43 of 2023 on 06.05.2024 and the same is dismissed.

(Bibek Chaudhuri, J)

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