

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.47 of 2025

Arising Out of PS. Case No.-11 Year-2017 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Shyam Kumar @ Shyam Dev Kumar @ Shyam Sah S/o- Ram Kumar Sah
Village- Lauchhe Sisauni, P.S.- Bakhri, District- Begusarai

... .. Appellant/s

Versus

1. The State of Bihar.
2. Pinki Devi W/o- Late Sushil Sah Village- Lauchhe Sisauni, P.S.- Bakhri,
District- Begusarai

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Yogesh Kumar, Advocate

For the Respondent/s : Mr. Abha Singh, Spl.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 10-07-2025 This is an appeal under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 assailing an order of rejection of bail of the child in conflict with law, who is accused in connection with J.J.C.P. Case No.10/2024 arising out of Nawkothi P.S. Case No.11/2017 under Section 302/34 of the I.P.C. and Section 27 of the Arms Act.

2. The F.I.R. discloses an incident of 28.02.2017, when the *de facto* complainant was traveling with her husband by a motorcycle to Begusarai for medical treatment. They were apprehended on the road by the appellant and his parents and thereafter, accused Ram Kumar Sah fired at him from point blank range, causing his instant death.



3. It is submitted by the learned Advocate on behalf of the appellant that there were six criminal cases pending against the deceased. There was also land dispute between the deceased and the accused persons. The appellant had no role in committing the offence under Section 302 of the IPC. Moreover, the mother of the appellant was released on anticipatory bail by this Court in Cr. Misc. No. 24067 of 2017 vide order dated 24.07.2017. The child in conflict with law is in custody since 30.07.2024. The Children's Court, Begusarai rejected the prayer for bail of the petitioner on the ground that if he is released on bail there is every likelihood that he would mix-up with known criminals of the locality. It is also held that there is apprehension of moral, physical and psychological degradation of the appellant, in case bail is granted in favour of him.

4. It appears on perusal of the impugned order that the Trial Court practically incorporated the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. No material was forthcoming from the side of the prosecution regarding the names of the criminals with whom he had been meeting before the commission of alleged offence or there is a chance of meeting with them, if he is released on bail. It is also not explained as to how the moral, physical and



psychological degradation will cause danger to the life of the appellant. The Children's Court, Begusarai mechanically rejected the prayer for bail of the juvenile without considering the principle of innocence, principle of best interest of the child and other related principles enshrined in Section 3 of the said Act.

5. Considering all such circumstances, the appellant, above named, be released on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of like amount to the satisfaction of learned Additional Sessions Judge 1st – cum-Special Judge, Children Court, Begusarai in connection with **J.J.C.P. Case No.10/2024 arising out of Nawkothi P.S. Case No.11/2017**, subject to following condition that:-

(I) One of the bailor must be the mother of petitioner.

(II) further condition that if on bail he shall be under the care and protection of his mother and under the supervision of the Probation Officer, who will submit quarterly report about the antecedent of appellant before the Board and if any such report is found to be unsatisfactory, the Board is at liberty to cancel the order of bail without reference to this Court.



6. With the above order, the instant criminal revision
is disposed of.

(Bibek Chaudhuri, J)

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