

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1396 of 2026**

Arising Out of PS. Case No.-275 Year-2024 Thana- MANSI District- Khagaria

XXX S/o Arjun Yadav R/o village - Rajajan, P.S.- Mansi, District - Khagaria,  
through mother, natural guardian, Vibha Devi, aged about 39 Years, W/o  
Arjun Yadav, R/o Village - Rajajan, P.S - Mansi, District - Khagaria

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ashok Poddar @ Ashok Kumar S/o Late Jagdish Poddar R/o - Dheramchak,  
Ward No. 7, P.S - Mansi, District - Khagaria

... .. Respondent/s

with

**CRIMINAL APPEAL (SJ) No. 832 of 2026**

Arising Out of PS. Case No.-275 Year-2024 Thana- MANSI District- Khagaria

Rocky Kumar S/o- Arjun Yadav R/o- Rajajan, P.S.- Mansi, Distt.- Khagaria,

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Ashok Poddar S/o Late Jagdish Poddar R/o Dharamchak, ward no. 7, P.S.-  
Mansi, Distt.- Khagaria

... .. Respondent/s

**Appearance :**

(In CRIMINAL APPEAL (SJ) No. 1396 of 2026)

For the Appellant/s : Mr. Amresh Kumar Sinha

For the Respondent/s : Mrs. Abha Singh

(In CRIMINAL APPEAL (SJ) No. 832 of 2026)

For the Appellant/s : Mr. Amresh Kumar Sinha

For the Respondent/s : Mrs. Abha Singh

**CORAM: HONOURABLE MR. JUSTICE ANSUL**  
**ORAL ORDER**

3      26-05-2026      Both these appeals were heard together and are being  
disposed of by this common order.

2. Both these present applications have been filed  
against the order dated 24.01.2026 passed by the learned court  
of Additional District & Session Judge, 1st Khagaria in  
connection with Criminal Bail Application No. 43/2026, Spl.



Child Case No. 08/2025, arising out of Mansi P.S. Case No. 275/2024, registered under Sections 109, 103(1), 352, 351 and 3(5) of the B.N.S. and Section 27 of the Arms Act, by which the prayer for bail of the appellants has been rejected.

3. As per the prosecution case, the allegation against appellant no. 1 is that he, on the direction of his father, namely, Arjun Yadav, gave the pistol to the latter who shot the informant-cum-deceased. The appellant no. 1 was declared a child in conflict with law as he was aged about 16 years 11 months at the time of the occurrence. The second son, namely, Rocky Kumar (appellant no. 2) is not named in the FIR and there is no specific allegation against him.

4. Learned counsel for the appellants has submitted that both the appellants have been held to be juvenile and on the date of occurrence they were assessed to be less than eighteen years of age.

5. Learned counsel for the appellants further relies upon the provisions of 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 appellants are children in conflict with law, they have remained in jail since 07.08.2025 having a clean antecedent, and that the Court below has not properly considered the law with regard to the release of a juvenile under the Juvenile Justice (Care and Protection of Children) Act, 2015.

7. Learned counsel for the appellants further submits that the family members of the appellants, including the mother, will take care of them so that they may not indulge in any further crime and may not remain in the company of criminals.

8. Having considered the submissions advanced, the statutory provisions relied upon, and the material on record, this Court is of the view that the impugned order warrants interference for the following reasons.

9. First, Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 mandates that a child in conflict with law shall be released on bail with or without surety as a rule, and bail may be denied only where there exist reasonable grounds to believe that such release is likely to bring the child into association with known criminals, or to expose the child to moral, physical, or psychological danger, or that such release would defeat the ends of justice. No such finding was



recorded by the learned court below, nor do the facts before this Court disclose any material warranting application of that exception.

10. Second, so far as appellant no. 2, namely Rocky Kumar, is concerned, his position is materially distinct from that of appellant no. 1. He is not named in the FIR, and no specific role or allegation has been attributed to him either in the first information or in the prosecution case as placed before this Court. His continued detention in these circumstances is difficult to sustain.

11. Third, both the appellants have been in custody since 07.08.2025, are of a young age, and have no prior criminal antecedent. Their mother is willing to stand surety and has offered an undertaking to take their care and supervision, which provides an adequate safeguard against the concern of the child being exposed to criminal influence.

12. Accordingly, this Court is satisfied that the conditions for invoking the exception under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 have not been made out, and the appellants are entitled to bail. The impugned order dated 24.01.2026 passed by the learned court of Additional District & Session Judge, 1st Khagaria in



connection with Criminal Bail Application No. 43/2026, Spl. Child Case No. 08/2025, arising out of Mansi P.S. Case No. 275/2024, is hereby set aside.

13. Let the appellants, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court of Additional District & Session Judge, 1st Khagaria, concerned Court below, in connection with Criminal Bail Application No. 43/2026, Spl. Child Case No. 08/2025, arising out of Mansi P.S. Case No. 275/2024, subject to the following conditions:

(i) that one of the bailors shall be the mother of the appellants;

(ii) that the mother of the appellants shall file an affidavit before the concerned Court below, giving a specific undertaking that after the release of the appellants on bail, she will take proper care of the appellants and will not allow them to fall into bad company;

(iii) The appellants will co-operate in the trial in the Children Court. They will appear personally or through their lawyer. Any default in the same will result in the cancellation of the bail bonds of the appellants.

**(Ansul, J)**

Ranjeet/-

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