

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2272 of 2025

Arising Out of PS. Case No.-315 Year-2023 Thana- SUPPI District- Sitamarhi

Shivam Kumar S/O Awadh Kishore Paswan R/O Village- Simardah kala Ward no- 14, P.s- Suppi, Dist- Sitamarhi, Through its guardian Santosh PASwan, Male aged 39 yrs, son of Satahu Paswan , resident of Village- Kgarsan, P.S- Riga, Dist- Sitamarhi

... .. Appellant/s

Versus

The State of Bihar patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Madhubala Verma

For the Respondent/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 08-01-2026 Heard learned counsel for the appellant and learned APP for the State.

2. The present application has been filed on behalf of the appellant against the order dated 7.1.2025 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Children Court, Sitamarhi in Tr. No. 22 of 2024 arising out of Suppi P.S. Case No. 315 of 2023.

3. As per the prosecution case, the appellant is accused in a case of murder.

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 27.02.2024 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 the **the guardian** of the appellant/Santosh Paswan 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 7.1.2025, 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 1st Additional Sessions Judge-cum-Special Judge, Children Court, Sitamarhi/concerned Court below in connection with Tr. No. 22



of 2024 arising out of Suppi P.S. Case No. 315 of 2023 subject to the following conditions:-

(i) that one of the bailors should be the **the guardian of the appellant/Santosh Paswan** of the appellant.

(ii) that the **the guardian of the appellant/Santosh Paswan** 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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