

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2949 of 2025

Arising Out of PS. Case No.-213 Year-2022 Thana- CHAKIA District- East Champaran

Vivek Kumar Son of Nawal Rai @ Nawal Kishore Rai R/o Village- Koyala
Belwa, P.S.- Chakia, District- East Champaran. Appellant/s

Versus

The State of Bihar. Respondent/s

Appearance :

For the Appellant/s : Mr.Sheo Jee Mishra, Advocate

For the Respondent/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-02-2026 Heard learned counsel appearing on behalf of the

appellant and learned counsel appearing on behalf of the State.

2. The appellant has preferred the present appeal under 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 against order dated 04.04.2025 passed by learned District and Additional Sessions Judge-1-Cum-Special Judge Children's Court, Motihari in Children Trial No. 03/2025, in connection with Chakia P.S. Case No. 213 of 2022 registered for the offence under Section 395 of the Indian Penal Code.

3. The accused/appellant is not named in the F.I.R. and is in custody since 12.08.2024.

4. The allegation against the appellant is to commit dacoity alongwith other co-accused persons, while committing so looted 7 Kg of gold made ornaments, 50 Kg of Silver made ornaments and 60,000/- cash from the jewellery shop of the



informant. It is further alleged that firearm injury was caused to staffs of the shop and also indiscriminate firing was made during the course of occurrence.

5. Learned counsel appearing on behalf of the appellant submitted that the name of appellant surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Pankaj Kumar, where in furtherance of which no incriminating material recovered/surfaced to connect petitioner *prima facie* with present occurrence of dacoity. It is submitted that appellant not put on TIP as yet. While concluding the argument, it is submitted that appellant found involved in two more criminal cases.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as save and except self confession, no incriminating material recovered/surfaced from appellant to connect him *prima facie* with the present occurrence of robbery, coupled with the fact that charge-sheet has already submitted, where appellant is in custody since 12.08.2024, accordingly, appellant above named, is directed to be released on bail in connection with Chakia P.S. Case No. 213 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned District and Additional Sessions Judge-1-Cum-Special Judge Children’s Court, East Champaran, Motihari /concerned Court, subject to the conditions as mentioned under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015.

(Chandra Shekhar Jha, J)

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