

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3357 of 2025

Arising Out of PS. Case No.-300 Year-2022 Thana- BANIAPUR District- Saran

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Nandan Singh @ Nandan Kumar @ Nandan Kumar singh son of Sudarshan Singh @ Gudi Singh @ Gudari Singh Village- Pithouri Takht, P.S.- Baniyapur, District- Saran

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Krishna Kant Singh, Advocate
For the State : Mr.Abha Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 29-01-2026 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 08.04.2025 passed by the learned 1st Additional Sessions Judge, Saran at Chapra in Baniyapur P.S. Case No. 300 of 2022 registered for the offence under Sections 341, 323, 302/34 of the Indian Penal code.

3. As per prosecution case, when the informant along with his family members were at their house, in the meantime, the accused persons including the petitioner came there and started assaulting them. The co-accused Jitendra Singh having *barchi* in his hand pierced in the left side of the chest of informant's brother namely, Dhananjay Singh with intention to



kill him and due to which he sustained injury thereafter he was taken to hospital. The brother of the informant died during course of treatment.

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 29.11.2024 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 **father** of the appellant 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 08.04.2025, 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, Saran at Chapra/concerned Court below in connection with Baniyapur P.S. Case No. 300 of 2022, subject to the following conditions:-

*(i) that one of the bailors should be the **father** of the appellant.*

*(ii) that the **father** 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)

P. Kumar

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