

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3642 of 2025

In
CRIMINAL REVISION No.616 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- ADAPUR District- East Champaran

Vishal Kumar Son of Anil Prasad Resident Of Village- Jamunbhar, Ps-
Adapur, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar bihar
2. Harun Miyan Son of Late Sarfuddin Miyan Resident Of Village- Jamunbhar,
Ps- Adapur, Dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar No.III
For the Respondent/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 12-01-2026 Learned counsel for the appellant was directed to

remove the defects during the course of the day and after

removal of the same, this case has been heard.

2. Heard learned counsel for the appellant and

learned APP for the State.

3. The present application has been filed on behalf of

the appellant against the order dated 1.8.2022 passed by the

learned 1st Additional Sessions Judge-cum-Spl. Judge,

Children's Court, Motihari, East Champaran in connection with

Children Trial No. 9 of 2022.

4. As per the prosecution case, the appellant is

accused in a case of abducting the victim girl and committing



rape with her.

5. 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.

6. 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.

7. He further submits that though the appellant is a child in conflict with law but he has remained in jail since 22.7.2021 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.

8. 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.

9. Considering the aforesaid facts, this application is allowed and the order dated 1.8.2022, is hereby set aside.



10. 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-Spl. Judge, Children's Court, Motihari, East Champaran in connection with Children Trial No. 9 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)

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