

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3710 of 2025

Arising Out of PS. Case No.-197 Year-2024 Thana- PUNPUN District- Patna

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CICL S/O Uday Kumar Singh @ Uday Kumar Under natural Guardianship of his mother namely Babita Devi, aged about 66 yrs(F), W/O Uday Kumar Singh @ Uday Kumar. Resident of Village- Mahamdalichak, P.S- Naubatpur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Prem Prakash S/O Late Singhasan Singh R/O Village- Marua, P.S- Dinara, Distt.- Rohtas.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anjani Parashar

For the Respondent/s : Mr.Bal Mukund Prasad Sinha

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 18-02-2026 Heard the parties.

2. The present application is being preferred against order dated 21.07.2025 passed by learned Special Judge, Children Court-cum-Additional District and Sessions Judge-1st, Patna in Special (Juvenile) Case No. 8 of 2025 by which the learned Court refused to enlarge the petitioner on bail in case arising out of Punpun P.S. Case No. 197 of 2024 registered for the offence punishable under Sections 103(1) and 3(5) of the BNS.

3. The appellant, aged about 17 years on the alleged date of occurrence i.e. 07.07.2024, is not named in F.I.R., and is in custody/observation home since 19.07.2024.

4. The allegation against this appellant is to commit



murder of cousin brother of the informant.

5. Learned counsel appearing on behalf of the appellant submitted that the name of this petitioner transpired in the present case on the basis of confessional statement of apprehended co-accused namely Sunny Kumar, in furtherance of which no incriminating material recovered/surfaced from the possession of this appellant as to show his involvement with the present crime in question. It is also submitted that charge in this matter was framed on 17.06.2025 and thereafter not even single prosecution witness was examined in this case and certainly in want of trial appellant cannot be kept in safety home for indefinite period of time.

6. Learned counsel appearing on behalf of the appellant/petitioner submitted that father of the juvenile appellant/petitioner is ready to stand as a surety and furnish an undertaking that he will take care of the appellant/petitioner and shall ensure his studies as well as that he would not fall in bad company and would take all possible care to connect him with the mainstream of the society.

7. Learned APP opposed the prayer for bail. Learned APP has, however, not pointed out any adverse material from the social investigation report.



8. Having regard to the submission and materials showing that the appellant has been adjudged juvenile aged about 17 years on the alleged date of occurrence, no active participation of the appellant/petitioner has been alleged and the social investigation report of the petitioner is not showing any adverse material against him so as to dissuade this court for granting release of the appellant/petitioner on bail, as also that appellant has remained in the safety home for more than one year and six months and his father is ready to stand as a surety and furnish an undertaking that if released on bail he will take care of the appellant and shall ensure that he does not fall in bad company and, in case, the appellant indulges in any unlawful act, he will inform it to the jurisdictional police station. Following the spirit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and in view of the exceptions carved out by the Hon'ble Division Bench of this Court in the case of **Lalu Kumar and Ors. Vs. The State of Bihar reported in 2019 (4) PLJR 833** that classification of the offences under the bailable and non-bailable sections would not be relevant for the purpose of grant of bail to a juvenile and the prayer for bail of a juvenile may be rejected only under one of the three conditions as under:-

“(i) The release is likely to bring that



person into association with any known criminal;

(ii) The release is likely to expose the said person to moral or physiological danger; and

(iii) The release would defeat the ends of justice.”

9. The Social Investigation Report vide order dated 12.11.2025, is now available on record. On perusal of the said report it appears that child/appellant is of good nature and is not of criminal mindset and nowhere appears that appellant cannot reform in future as to join mainstream of the society.

10. Accordingly, this court sets-aside the impugned order and directs release of the appellant/petitioner on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge-cum-Additional District and Sessions Judge-1st, Patna/concerned Court in connection with Punpun P.S. Case No. 197 of 2024.

11. One of the sureties should be the father of the appellant and he will also furnish an undertaking in terms stated here-in-above.

12. The Probation Officer shall keep on visiting the place of the appellant and shall submit periodical report to the Juvenile



Justice Board (J.J.B.), Patna, regarding conduct of the appellant. If found anything adverse against this appellant/petitioner, the same will also be reported to the Board for necessary action.

(Chandra Shekhar Jha, J.)

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