

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5229 of 2025

Arising Out of PS. Case No.-313 Year-2024 Thana- PAKRIDAYAL District- East Champaran

Manoj Kumar Son of Late Chuman Sahni Resident of Village -Devanibari PS
-Pakridayal District -East Champaran under the guardianship of his uncle
Namely rajababu aged about 21 years, son of Rajendra Sahni Resident of
village- Parkridayal Ward no. 02, ps- Pakaridayal, Dist- East Champaran

... .. Appellant/s

Versus

1. The State of Bihar
2. X Wife of Y Resident of Mohalla - Pakaridayal, Ward no. 06, Ps-
Pakaridayal, dist- East Champaran

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shashank Shekhar
For the Respondent/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 13-01-2026

Re:- I.A. No. 1 of 2025.

This interlocutory application has been filed on behalf of the appellant for condonation of delay in filing the instance criminal appeal which has been found after delay because of some unavoidable circumstances.

2. For the reasons mentioned in the interlocutory application, the same is allowed and the delay in filing the instant criminal appeal is hereby condoned.

Re:- CRIMINAL APPEAL (SJ) No.5229 of 2025

3. Heard learned counsel for the appellant and learned APP for the State.

4. The present application has been filed on behalf of



the appellant against the order dated 14.07.2025 passed by the learned District and Additional Sessions Judge-I, East Champaran, Motihari in Children Trial No. 05 of 2025 arising out of Pakaridayal P.S. Case No. 313 of 2024.

5. As per the prosecution case, the appellant is accused in a case of abducting the victim girl and committed sexual activities with her and has also recorded obscene scenes without her consent.

6. 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.

7. 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.

8. He further submits that though the appellant is a child in conflict with law but he has remained in jail since 12.12.2024 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.



9. Learned counsel for the appellant further submits that family members of the appellant including the **uncle** 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.

10. Considering the aforesaid facts, this application is allowed and the order dated 14.07.2025, is hereby set aside.

11. 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 ADJ-1st, East Champaran, Motihari/concerned Court below in connection with Children Trial No. 05 of 2025 arising out of Pakaridayal P.S. Case No. 313 of 2024, subject to the following conditions:-

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

*(ii) that the **uncle** 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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