

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.961 of 2018

Arising Out of PS.Case No. -495 Year- 2016 Thana -DANAPUR District- PATNA

=====

Rahul Gupta, Son of late Bablu Gupta, R/o- Pethiya Bazar, P.S.- Danapur, District- Patna under guardianship of Shivpujan Sao, Son of Late Sohan Sao, R/o Purbi Indra Nagar, P.O.-Lohiya Nagar, P.S.-Kankarbagh, District-Patna.

.... Appellant

Versus

The State of Bihar

... Respondent

=====

Appearance :

For the Appellant/s : Mr. Manish Kumar, No-13 Advocate

: Mr. Rohit Kumar, Advocate

For the Respondent/s : Mr. Shyed Ashfaque Ahmad, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 17-09-2018

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

2. This appeal has been preferred by the appellant under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Act') for setting aside the order dated 24.02.2018 passed by the learned 1st Additional District Judge-cum-Special Judge, Child, Patna by which the prayer for grant of bail of the appellant in Special Child Case No. 3 of 2018 has been rejected.



3. The appellant has been made accused in Danapur P.S. Case No. 495 of 2016 registered under Sections 302, 120 B and 27 Arms Act and Section 25(1-B)(a), 26, 35 and 27 of the Arms Act. He is alleged to have opened fire causing injury in the chest of the son of the informant. The court below has rejected his application for bail looking at the gravity of the offence as also to the fact that if granted bail, there is all possibility that he may fall in association with hardened criminals.

4. Learned counsel for the appellant submitted that the provisions of the Act were not considered by the court below while rejecting the application filed by the appellant for grant of bail. He contended that there was no material on record on the basis of which the court below could have expressed its opinion that granting bail would bring the appellant in association with hardened criminals.

5. On the other hand, learned counsel for the State submitted that the court below has taking into consideration the fact that the appellant being over 16 years of age was capable to understand the consequences of the act has rightly rejected his application for grant of bail. He contended that the gravity of the offence and role played by the appellant also disentitles him from being released on bail.



6. Regard being had to the nature of the offence, submissions made above and the other attending circumstances of the case, I see no illegality in the order impugned passed by the court below.

7. The appeal is dismissed.

8. The learned 1st Additional Sessions Judge, Patna is directed to hold the trial expeditiously and conclude the same as early as possible preferably within nine months from the date of receipt/production of a copy of the order.

(Ashwani Kumar Singh, J.)

Sanjeet/SkSuman.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2018
Transmission Date	19.09.2018

