

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.104 of 2018

Arising Out of PS.Case No. -170 Year- 2017 Thana -RUNISAIDPUR District- SITAMARHI

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1. Md. Dildar, Son of Md. Mustafa under guardianship of his father.
2. Vishal Kumar, Son of Kapil Das under guardianship of his father, Both
are resident of Village- Taraura Gopalpur, P.S.- Mushahari, District-
Muzaffarpur.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhay Shankar Singh

For the Respondent/s : Mr. Bipin Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 05-03-2018

Heard learned counsel for the appellants as well as
learned Additional Public Prosecutor.

Instant appeal has been preferred at the end of
both the appellants under the guise of Section 101 of the
Juvenile Justice (Care and Protection of Children) Act on
account of refusal of their prayer for bail by the Special Judge,
Children Court, Sitamarhi (ADJ, Ist) vide order dated 21-11-
2017 in connection with Runnisaidpur P.S. Case No.170/2017.

Prosecution case as is evident during course of
carrying goods over pickup van bearing registration no.BR-
01GD 5418, was intercepted by the unknown criminals on the
pretext of firearm who looted away their belongings, mobile set
as well as pickup van.

It has been submitted on behalf of appellants that
presence of these appellants have been procured on the basis of
call details relating to looted mobile set and from Annexure-2,
seizure list, it is evident that from the possession of appellant



Md. Dildar the aforesaid looted mobile set was recovered, seized. However, so far appellant Vishal Kumar is concerned, it is evident that save and except inculpatory confessional statement coupled with co-accused Raju Kumar, nothing more remains though, charge sheet had already been submitted. Appellants have got no criminal antecedent as is evident from order of the learned lower court and are in custody since 30-04-2017.

The learned Additional Public Prosecutor opposed the prayer and submitted that the conduct of the appellants irrespective of their status did not permit them to avail privilege of bail.

Considering the evidence available on the record as perceived from the order impugned, for the present, prayer for bail of appellants are rejected. Consequent thereupon, appeal is dismissed. However, it is made clear that after examination of the informant, the learned lower court will allow both the appellants, namely, Md. Dildar and Vishal Kumar to be released on bail to its own satisfaction.

(Aditya Kumar Trivedi, J.)

Prakash Narayan

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