

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.123 of 2019

Arising Out of PS. Case No.-206 Year-2018 Thana- KHAGARIA District- Khagaria

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Sandeep Kumar @ Sandeep Yadav @ Sanjeev Yadav son of Chandradeo Yadav Resident of Village-Barkhandi Tola, P.S.-Khagaria (Muffasil), Dist.-Khagaria through her mother Nirmala Devi, W/o Chandradeo Yadav, R/o Village-Barkhandi Tola, P.S.-Khagaria(M) Dist.-Khagaria

... .. Appellant

Versus

The State Of Bihar

... .. Respondent

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Appearance :

For the Appellant : Mr. Binod Kumar, Advocate
For the Respondent : Mr. Binod Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 11-12-2019

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

2. This appeal under clause 5 of Section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Act') has been filed on behalf of the appellant challenging the order dated 27.11.2018 passed in Juvenile Trial No. 01 of 2018 arising out of Khagaria (Mufassil) P. S. Case No. 206 of 2018 registered for the offences under Sections 302 and 448 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is contended by the learned counsel appearing for the appellant that admittedly, the appellant is a



juvenile aged about sixteen years, one month and few days. There is no specific allegation of causing any injury to the deceased upon him. He is alleged to be a member of an unlawful assembly. The adult accused persons, namely, Pintu Yadav, Sachita Yadav, Sanket Yadav, Nutan Ganga Yadav, Devendra Yadav, Chandradeo Yadav, Dharnidhar Yadav and Sukhdeo Yadav have already been granted bail by different orders passed by different Benches of this Court. The contention is that the case of the appellant stands on better footing than those who have already been granted bail in this case. He has further contended that while rejecting the prayer for bail of the appellant, the trial court has not considered the ratio laid down by this Court by a Division Bench of this Court in **Lalu Kumar vs. State of Bihar**, since reported in **2019 (4) PLJR 833** wherein it has been held that the heinous nature of offence cannot be made a ground for rejecting bail in case of a juvenile in conflict with law.

4. Learned counsel appearing for the State opposed the prayer for grant of bail. However, he does not dispute the fact that the case of the appellant stands on better footing than the adult accused persons, who have already been granted bail by different Benches of this Court.



5. Regard being had to the facts and circumstances of the case, the order impugned dated 27.11.2018 passed by the learned Additional Session Judge-1-cum-Special Judge, Khagaria in Juvenile Trial No. 1 of 2018 is set aside. The appeal is allowed.

6. The appellant is directed to be released on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-1-cum-Special Judge, Khagaria in Juvenile Trial No. 01 of 2018 arising out of Khagaria (Mufassil) P. S. Case No. 206 of 2018.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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