

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.523 of 2020**

Arising Out of PS. Case No.-63 Year-2017 Thana- KAJRA District- Lakhisarai

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CHHOTU YADAV Son of Mahendra Yadav Resident of Village-Basuhar,
P.S.-Kajra, District-Lakhisarai.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Kamal Kishore Jha

For the Respondent/s : Mr.Syed Ashfaque Ahmad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 24-06-2020 This appeal has been preferred under Section 101(5) of Juvenile Justice Care and Protection of Children Act, putting to challenge an order dated 29.07.2019 passed by learned Additional District Judge 1st cum Special Judge, Lakhisarai, in Kajra P.S. Case No. 63 of 2017, whereby he has rejected the petitioner's application for his release on bail.

It is apparent from the impugned order that the appellant is indisputably a juvenile in conflict with law. He has been made accused in Kajra P.S. Case No. 63 of 2017, for the offence punishable under Section 302, 307, 120B of the Indian Penal Code and Section 27 of the Arms Act.

For addressing the submission made on behalf of the



appellant, it should be apt to take note of the case of the prosecution as disclosed in the F.I.R. The occurrence is of 10.10.2017. The informant is the elder brother of one Pramod Yadav. According to him on the alleged date of occurrence at 6 P.M. in the evening, the petitioner, who is brother of Pankaj Yadav, his father Mahendra Yadav and two other persons were noticed sitting over a culvert. Mother of the petitioner was also there, when the informant's brother was seen coming towards the village. Allegedly, the moment, the deceased reached near the said culvert, the persons named in the F.I.R. stood up and started firing with their country made pistol, aiming the deceased Pramod Yadav and Faso Yadav. The miscreants thereafter fled away. The deceased died in course of treatment. The reason for the occurrence has been disclosed in the F.I.R. itself. It has been alleged that there was dispute over sale of a piece of land by Mahendra Yadav, in favour of the said Faso Yadav. Since Mahendra Yadav had refused to execute registered sale deed in favour of Faso Yadav, the dispute had arisen leading to the occurrence in question.

Learned counsel for the appellant has submitted that the appellant has been implicated only because he is son of the said Mahendra Yadav and there is no direct allegation against



him of having opened fire. He has further submitted that allegation against all persons are general and omnibus. According to him, learned Court below has committed gross error while rejecting the petitioner's prayer for bail on the ground of his criminal antecedent, completely overlooking the circumstance in which the petitioner came to implicated in the present case out of a civil dispute.

From the impugned order, it transpires that the learned Court below has rejected the petitioner's application, considering the seriousness of allegation against him and likelihood of petitioner going into association of known criminals after his release. There is no reason, however, given in the impugned order, as to how, there was likelihood of the petitioner going into association of known criminals after his release.

Considering the facts and circumstances, as noted above, in my opinion the impugned order requires interference. The impugned order is accordingly set aside. The prayer for grant of regular bail is allowed.

Let the appellant above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Principal Member Juvenile Justice Board, Lakhisarai in
connection with Kajra P.S. Case No. 63 of 2017.

(Chakradhari Sharan Singh, J)

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