

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1032 of 2021

Arising Out of PS. Case No.-139 Year-2019 Thana- KHAJANCHI HAT District- Purnia

Sriman Kumar Singh @ Sriman Singh @ Sriman Son of Bhaskar Singh R/o village - Jhanda Chauk, Bhattha Bazar, P.S.- Sahayak (K. Hat), District - Purnea under the guardianship of his father Bhaskar Singh aged about 68 years (male) son of Late Narendra Prasad Singh R/o village - Jhanda Chauk, Bhattha Bazar, P.S.- Sahayak (K. Hat), District - Purnea

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.N.K.Agrawal, Sr.Adv. Mr.Dr. Bidhu Ranjan
For the Respondent/s	:	Mr.P.K.Pandey,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 23-08-2021 Heard learned counsel for the parties through video conferencing.

The present appeal has been filed against order dated 19.09.2020 passed by learned Special Judge (Children Court)-cum-1st Additional Sessions Judge, Purnea in Special (Kishore) Case No. 03 of 2020 / CIS No. 03 of 2020 (arising out of K.Hat P.S. Case No. 139 of 2019), by which, the bail application of the appellant has been rejected.

As per F.I.R., the prosecution case in brief is that on 04.03.2019 at about 1:50 PM, this petitioner called the brother of informant on mobile and asked him to come to Polytechnic field and thereafter, the informant's brother left the house with appellant and other two co-accused namely Priyanshu Kumar



@ Priyash @ Bajrangi and Aditya Kumar Singh @ Rishi. It is further alleged that after five minutes, the informant also went there and found that appellant and aforesaid two co-accused were going towards the bush keeping their hands on the shoulder of informant's brother. After some time, all three accused persons fled away on a motorcycle and when the informant went near the bush, he saw that his brother was lying in a pool of blood and was restless.

It is submitted on behalf of the appellant that the appellant has been falsely implicated in this case. The appellant has already been declared juvenile by learned Principal Magistrate, Purnea, vide order dated 29.08.2019 (Annexure -2). There is general and omnibus allegation and no specific overt act has been alleged against this appellant. Similarly situated co-accused namely Priyanshu Kumar and Aditya Kumar Singh, who have also been declared juvenile, have already been allowed bail by a coordinate Bench of this Court, vide order dated 18.08.2020 passed in Cr.Revision No. 64 of 2020. It is further submitted that the bail application of appellant has been rejected by the court below after making a detailed inquiry into the nature and gravity of the offence, which is against the statutory provision of law contained in Section 12 of the



Juvenile Justice Act. There is no material on record to suggest that any of the grounds enumerated in Section 12 of the Juvenile Justice Act exists and without there being any material, the bail application of appellant has been rejected only on the ground of nature of allegation and gravity of the offence. The appellant has got clean antecedent and he is in custody since 06.03.2019.

Having regard to the materials available on record as well as considering the period of custody and the fact that similarly situated other two co-accused, who have also been declared juvenile, have been granted bail, the order dated 19.09.2020 passed by learned Special Judge (Children Court)-cum-1st Additional Sessions Judge, Purnea in Special (Kishore) Case No. 03 of 2020 / CIS No. 03 of 2020 (arising out of K.Hat P.S. Case No. 139 of 2019) is, hereby, set aside and the appeal is allowed.

Accordingly, the above-named appellant is directed to 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 Special Judge (Children Court)-cum-1st Additional Sessions Judge, Purnea / Juvenile Justice Board, Purnea, in connection with Special (Kishore) Case No. 03 of 2020 / CIS



No. 03 of 2020 (arising out of K.Hat P.S. Case No. 139 of 2019), subject to condition that ***both the parents of the juvenile (appellant) shall file an affidavit giving an undertaking that they shall get the appellant admitted in school / college / institution, as may be available for him, and shall ensure that the child shall continue with his study as also that the parents shall keep full vigil on the juvenile (appellant) and they will not allow him to go in the company of bad elements. In case of any adverse development, the same shall be reported to the Juvenile Justice Board, Purnea.***

(Prabhat Kumar Singh, J.)

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