

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2060 of 2021**

Arising Out of PS. Case No.-258 Year-2020 Thana- RIGA District- Sitamarhi

=====

XX

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ritesh Kumar Narain Singh, Adv.

For the Informant : Mr. Santosh Kumar, Adv.

For the State : Mr. Binod Bihari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 23-08-2021 Heard learned counsel for the parties through video conferencing.

Though the petitioner has given full description in the application, it would be inappropriate to disclose his identity in view of the statutory provisions prescribed under section 74 of the Juvenile Justice (Care and Protection of Children) Act, 2015 ('the Act' in short). He is being referred to in the cause title as XX.

Registry while uploading the order on the website shall also ensure that the cause title is reflected in similar manner.

The instant application has been preferred against the order dated 2.2.2021 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Children's Court, Sitamarhi



whereby the prayer for bail of the petitioner in connection with a case registered under sections 302 and 394 of the Indian Penal Code and section 27 of the Arms Act was rejected.

As per allegation in the F.I.R, two accused persons on a motorcycle snatched the bag containing Rs.5 lacs from the informant's brother and on resistance being shown, it is stated that one of the accused shot the informant's brother as a result of which he died.

It is submitted by learned counsel for the petitioner that the F.I.R. was registered against two unknown. The name of the petitioner transpired in course of investigation on the confessional statement of co-accused made before police. By order dated 7.10.2020, the Juvenile Justice Board, Sitamarhi declared the petitioner to be a juvenile in conflict with law.

On merits, it is submitted that inspite of being in observation home at Muzaffarpur since 7.10.2020, the petitioner has not been put on T.I. parade and no incriminating article has been recovered from his possession. Investigation in the case has concluded and the instant application has been affidavited by the petitioner's mother who is ready to take charge of the petitioner.

The application for bail is opposed by learned



A.P.P. for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the petitioner having been declared a juvenile and having remained in the observation home since 7.10.2020, the instant application is allowed and the order dated 2.2.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Children Court, Sitamarhi is hereby set aside.

The appellant is directed to be enlarged on bail in connection with Riga P.S. Case no.258 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Children Court-cum-1st Additional Sessions Judge, Sitamarhi.

(Partha Sarthy, J)

Saurabh/-

U		T	
---	--	---	--

