

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2750 of 2021**

Arising Out of PS. Case No.-137 Year-2020 Thana- CHHAURADANO District- East
Champanan

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Awanish Kumar Pandey @ Awanish Pandey S/O Sri Mukti Narayan Pandey
Resident Of Village-Shripur Tola Belwadih, P.S-Chhauradano, District-East
Champanan, Through His Father/Guardian, S/O Late Uttimdev Pandey, R/O
Village-Sripur Tola-Belwadih, P.S-Chhauradano, District-East Champanan.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 06-10-2021 Let the defects, if any, be removed within four
weeks of the start of the normal functioning of the Court.

This criminal appeal under Section 101(5) of the
Juvenile Justice (Care and Protection of Children) Act, 2015,
is against the order of refusal of prayer for bail dated
01.03.2021 passed by the learned Children's Court in East
Champanan at Motihari, in Children Trial No.3 of 2021,
arising out of Chhauradano P.S. Case No.137 of 2020, a case
under Section 302/120B of the Indian Penal Code and Section
27 of the Arms Act.

The appellant has already been declared juvenile by
the learned Juvenile Justice Board. The appellant has got no
criminal antecedent.



Learned counsel for the appellant submits that co-accused Tunna Pandey has already been allowed bail by a coordinate Bench of this Court vide order at Annexure-4 in Cr. Misc. No.939 of 2021 considering the facts that the informant has alleged in the FIR that one Pawan Kumar Pandey and Chunchun Pandey @ Chanchal Pandey had taken the son of the informant on a motorcycle. The informant followed them. They reached at the place of Shivendra Pandey and informant heard sound of firing. Later on it was found that the firing had caused death of his son. Co-accused Pawan Pandey confessed his guilt saying that on refusal of return of money by Raja Babu Kumar, son of the informant, he had shot him dead.

Since adult accused has been allowed bail, there was no reason to refuse the prayer for bail to a juvenile especially when there is no specific attribution against the appellant. The impugned order is against the mandate of law contained in Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Hence, it is set aside.

Let the appellant, above named, be released at once on execution of surety bond by either of the parents of the appellant giving undertaking that he/she shall keep proper



care and upkeep of the appellant and shall fully cooperate in
the trial before the Children Court.

(Birendra Kumar, J)

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