

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2857 of 2021**

Arising Out of PS. Case No.-412 Year-2018 Thana- KANTI District- Muzaffarpur

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XX

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Ms. Anjana, Adv.

For the Respondent/s : Ms. Abha Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 10-08-2021 Heard learned counsel for the parties through video conferencing.

Though the appellant has given full description in the application, it would be inappropriate to disclose his identity in view of the statutory provision 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 a similar manner.

The instant appeal has been preferred against the order dated 4.3.2021 passed by the learned 1st Additional Sessions Judge-cum-Special Judge, Children's Court,



Muzaffarpur whereby the prayer for bail of the appellant in a case registered under section 363 of the Indian Penal Code to which section 302 and other sections of the Indian Penal Code were added subsequently was rejected.

As per allegations in the F.I.R., the son of the informant went missing since the morning that she received a call. 50 minutes after the call a boy had come to meet him. The F.I.R. was registered against unknown.

It is submitted by learned counsel for the appellant that the name of the appellant transpired in course of investigation on the basis of his confessional statement made before police, which is inadmissible. It is further submitted that by order dated 11.6.2019 passed by the Juvenile Justice Board, Muzaffarpur, the appellant was declared to be a juvenile on the date of occurrence. He is in custody since 20.7.2018 i.e. for more than 3 years.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the ratio of the decision of this Court in the case of *Lalu Kumar and others vs. State of Bihar and others* [2019(4) PLJR 833] together with the appellant having remained in detention for over 3 years, the instant appeal is



allowed and the order dated 4.3.2021 passed by the 1st Additional Sessions Judge-cum-Special Judge, Children Court, Muzaffarpur is set aside.

The appellant is directed to be enlarged on bail in connection with Kanti P.S. Case no.412 of 2018 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 1st Additional Sessions Judge-cum-Special Judge, Children's Court, Muzaffarpur.

(Partha Sarthy, J)

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