

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.1491 of 2019

Arising Out of PS. Case No.-229 Year-2018 Thana- KURTHA District- Jehanabad

ANIL KUMAR Son of Arjun Bind Resident of Village-Manikpur, P.S.-
Kurtha, District-Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Petitioner	:	Mr. Patanjali Rishi, Advocate
		Mr. Manoj Kumar, Advocate
For the State	:	Mr. Dr. Mrityunjaya Kr. Gautam, APP
For the Informant	:	Mr. Ranjay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

10 12-01-2021 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

Petitioner, in the present case, is challenging the judgment and order dated 21.10.2019 passed in Criminal (Juvenile) Appeal No. 52/2019/28/2019 by learned 1st Additional District and Sessions Judge, Jehanabad. By the impugned judgment and order the learned 1st Additional District and Sessions Judge, Jehanabad has been pleased to reject the prayer for bail of the petitioner and refused to interfere with the order of the learned Juvenile Justice Board passed in connection with Kurtha (Manikpur) P.S. Case No. 229/2018 for the offences under Sections 364(A)/34 of the Indian Penal Code and later on Section 302 I.P.C. was added.

Learned counsel for the petitioner submits that as per



the prosecution story this petitioner along with one Hareram Bind had taken away the son of the informant on the pretext of watching of cricket match at Manikpur Mela. When the son of the informant did not return home the informant informed this to Manikpur O.P. and when he came back to home, his elder son informed that on his mobile a phone call had come from the given number and the caller informed him that his brother in their captivity and they demanded a ransom of Rs. Twenty Lakhs as a condition to set free the victim son of the informant. The caller had also threatened him of dire consequences if police will be informed. The informant claims to have identified the voice of the caller as that of this petitioner because he happens to be the neighbour of the informant.

It is alleged that when the informant went to the house of this petitioner and co-accused Hareram Bind they were not found there.

Learned counsel for the petitioner submits that on the alleged date of occurrence this petitioner was only 17 years 8 months and 19 days old, therefore, he has been declared a juvenile by the learned Juvenile Justice Board vide Annexure '2' to the present application.

It is his further submission that the co-accused



Hareram Bind has been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 73057/2019. According to learned counsel, since the petitioner has remained in jail for over two years and the co-accused have already been granted bail, the petitioner being a juvenile, his prayer for bail stands on a better footing and he deserves the privilege of bail.

Learned counsel for the petitioner has further submitted that the mobile call has not been verified in course of investigation and further that the petitioner has got no association with any person having criminal antecedent and as such there is no chance for the petitioner falling in bad association.

Mr. Ranjay Kumar Singh, learned counsel for the informant as well as Dr. Mrityunjay Kumar Gautam, learned A.P.P. for the State have opposed the prayer for bail of the petitioner.

It is submitted on their behalf that not only the informant identified the voice of this petitioner who had taken away the victim son of the informant and then had been demanding ransom, after the petitioner was apprehended, at his instance the dead body of the victim son and the articles found therein were recovered. It is further pointed out that the learned



1st Additional District & Sessions Judge, Jehanabad has taken note of the Social Investigation Report of the petitioner which is disclosing that the petitioner had fallen in bad association and it will be in his interest to keep him away from the bad elements and his release would not be in the interest of the petitioner as there is every likelihood that if released on bail he may again go in the association of persons having criminal antecedents.

On the last date i.e. on 16.12.2020, when the matter was taken up this called had passed the following order:

“Call for a report from the Juvenile Justice Board, Jehanabad as to whether considering the age of the petitioner as 17 years 8 months and 19 days on the date of alleged occurrence his mental conditions have been assessed in terms of Section 15 of the Juvenile Justice (Care & Protection of Children) Act 2015 and what is the present stage of the inquiry or trial as the case may be in connection with Kurtha (Manikpur) P.S. Case No. 229 of 2018.

Let the report be sent to this Court by 7th January, 2021.

Mr. Ranjay Kumar, learned counsel appears for the informant and Mr. Dr. Mrityunjay Kumar Gautam, learned APP for the State is present.

List this matter under the same heading maintaining its position on 11th January, 2021.”

The report has been received from the learned 1st Additional District & Sessions Judge, Jehanabad, perusal of the same would disclose that the charges have already been framed and the record is pending for prosecution evidence. The Special P.P. has been directed to produce evidence at



the earliest and the next date in the matter was fixed on 04.01.2021 for evidence.

Considering the entire facts and circumstances of the case, the seriousness of the allegations, the *modus operandi* showing that this petitioner had allegedly called the victim boy and then the informant claims that he had identified the voice of the petitioner who had even call from the mobile number disclosed by the informant and then had been demanding a ransom of Rs. 20 Lakhs and further that at his instance the dead body and other articles which were used in the crime were allegedly recovered, the observation based on the social investigation report coming in the impugned order that there is a chance that if released on bail the petitioner may fall in bad association and further that the trial has already begun and the case is fixed for prosecution evidence, this Court is not inclined to released the petitioner on bail at this stage.

The trial court is expected to conclude the trial at the earliest and preferably within a period of six months from the date of receipt/production of a copy of this order.

Since the matter relates to a juvenile who is now being tried in the Children Court as has been disclosed to this Court, in the kind of offences for which such Special Courts



have been established, it is expected that the case shall proceed without granting any unnecessary adjournment to either parties and the learned court shall ensure that the trial be concluded within the aforesaid indicated period. The prosecution must cooperate by producing evidences on the date fixed in the matter.

The date should not be fixed on longer side and efforts be made to conclude the trial by conducting it within a short period.

If the trial is not concluded within a period of six months for no reason attributable to this petitioner, the petitioner may renew his prayer for bail.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

