

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2533 of 2022

Arising Out of PS. Case No.-205 Year-2020 Thana- BAHADURPUR District- Patna

GULAMUDDIN @ GULAM MOHAMMAD @ GULAM MOHIUDDIN @
AMAN Son of Naushad Alam Resident of Mohalla - New Azimabad Colony,
Sector - D, P.S. - Bahadurpur, District - Patna

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pankaj Kumar Jha, Adv.

For the Respondent/s : Mr. Sujit Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 10-11-2022 Heard learned counsel for the appellant and learned
counsel for the State.

This appeal under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 has been filed for setting aside the order dated 30.09.2021 passed by the Additional District and Sessions Judge-I, Patna in Special (Child) Case No. 08 of 2020 arising out of Bahadurpur P.S. Case No. 205 of 2020 under Section 302, 120(B), 379 and 34 I.P.C. whereby and under the learned court below has pleased to reject the prayer for bail of the appellant.

Learned counsel for the appellant submits that the appellant has been implicated in this case on the basis of his confessional statement and except this, there is no material



against the appellant. Further, it is submitted that the informant is not the eye witness of the alleged occurrence. Learned counsel further submits that the appellant is a student and his parents are ready to execute bond of his good behaviour and that he will not indulge in any criminal activities in future.

Learned counsel appearing for the State opposes the prayer for bail of the appellant and submits that the Court below after considering all the materials available on record has rejected the prayer for bail of the appellant by a reasoned order. The order of the Court below mentions that release of the appellant is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.

Vide order dated 29.09.2022, the probation report with respect to the appellant was called for which has been received. From perusal of the aforesaid report, it appears that the Probation Officer has suggested that the appellant has threatened the deceased earlier also and ultimately along with his family members planned a trap and killed that boy. The Probation Officer has suggested for keeping him in special home for his counseling and overall development.

Considering the submissions advanced on behalf of



the parties, the materials available on record especially the report of the Probation Officer, this Court is not inclined to grant the privilege of bail to the appellant. The prayer for bail of the appellant is, accordingly, rejected.

The appeal stands dismissed.

(Arvind Srivastava, J)

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