

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL APPEAL (SJ) No.456 of 2023

Arising Out of PS. Case No.-923 Year-2022 Thana- FORBESGANJ District- Araria

XXXXXX S/o XXX R/o Village- Mirjapur Kothi, P.S.- Forbesganj, Distt-
Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ramesh Kumar Singh, Adv
For the Respondent/s : Mr. Zeyaul Hoda, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 05-10-2023 1. Heard learned counsel for the appellant and learned
APP for the State.

2. The instant appeal has been filed under Section
101(5) of Juvenile Justice (Care and Protection of Children) Act,
2015 against the order dated 03.12.2022 passed by learned
Additional Sessions Judge 1st-cum-Special Judge, Araria in
connection with Forbesganj (Simraha) P.S. Case No. 923 of
2022 registered for the offence punishable under Section 302/
34 of the IPC whereby the prayer for bail made by the appellant
has been rejected.

3. The main submissions advanced by learned counsel
for the appellant are that the appellant has been declared



juvenile and on the alleged date of occurrence, his age was 17 years, four months and seven days and there is no serious allegation against the appellant and as per allegation he threw brick at the neck of informant's son resulting in his unconsciousness and finally the informant's son died and the appellant has been languishing in remand home since 08.09.2022 and he has got fair and clean antecedent. Further submission is that as per the social investigation report, there are several major family members in the family of the appellant and the father and mother of the appellant are ready to take care of the appellant after his release.

4. Learned APP appearing for the State has opposed the prayer for bail of the appellant.

5. Considering the above submissions and mainly the nature of allegation appearing against the appellant as well as the period of protective custody which has been more than one year and the social investigation report shows that there are several major family members in the family of the appellant, most of them have fair and clean antecedent and the father and mother of the appellant are ready to take care of the appellant after his release from the observation home, in my opinion, the appellant deserves to be released from the observation home.



Accordingly, let the appellant named above be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st-cum-Special Judge, Araria in connection with Forbesganj (Simraha) P.S. Case No. 923 of 2022 on the following conditions:-

(i) Both the bailors shall be father and mother of the appellant.

(ii) The appellant's parents shall file written undertaking before the trial court at the time of furnishing bail bond that they will take care of the appellant after his release from the observation home during the pendency of trial and the trial court shall call for progress report regarding the development of the appellant particularly with regard to his educational development after a gap of every six months during the period of trial and if any adverse to the development of the appellant or appellant's further involvement in any criminal activity is found then the trial court shall take serious action against the appellant by taking him into custody.

(ii) If the appellant affects or prejudices any witness of the prosecution or any evidence concerned to the alleged offence during his trial then also the trial court shall take serious



action against the appellant by taking him into custody. .

6. In the result, the instant appeal stands allowed and
the order impugned is hereby set aside.

(Shailendra Singh, J)

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