

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.743 of 2023

Arising Out of PS. Case No.-416 Year-2021 Thana- BALIYA District- Begusarai

XXXXXX Son of Sita Ram Tanti Resident of Village- Sadanandpur Balachk
Tola, P.S.- Ballia, District- Begusarai, Under the Guardianship of his brother
in law (JIJA) Namely Hareram Tanti (M) aged about 32 years Son of Kishor
Tanti, Resident of Village- Govind Bigha Damodarpur, P.S.- Lakhisarai,
District- Lakhisarai

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ravi Shaker Sahay, Advocate
	:	Mr. Randhir Kumar No.1, Advocate
For the Respondent/s	:	Mr. A.M.P. Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 11-09-2023 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 19.10.2022 passed by
learned Additional Sessions Judge 1st-cum-P.O, Children's Court,
Begusarai in connection with J.J.C.P. Case No.27 of 2022,
arising out of Ballia P.S. Case No.416 of 2021 registered for the
offence/s punishable under Section/s 323, 307 and 427 of the
Indian Penal Code and subsequently Section 302 of the Indian
Penal Code was added whereby and whereunder the prayer for
bail made by the appellant has been rejected.
3. The main submissions advanced by learned counsel



for the appellant are that in the instant matter the alleged incident is stated to have taken place on 07.12.2021 but the FIR was lodged on 18.12.2021 and the victim died on 12.01.2022 due to septicemia and the appellant has been languishing in remand home since 17.01.2022 and there is no serious allegation against him. Further submissions are that in fact the victim, who was admittedly mentally disturbed person, fell down into a ditch and sustained injury which has been supported by the material witnesses during investigation and the appellant was roped in the alleged matter merely on the basis of suspicion. Further submission is that in the family of the appellant, there is his father and husband of his sister who have fair and clean antecedent and they are ready to take care of the appellant after his release from remand home.

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

5. Considering the above submissions and mainly the protective custody period of the appellant in observation home which has been about one year and eight months and also taking into account the nature of allegation which is based on suspicion against the appellant and appellant's father and husband of his sister are ready to take care of the appellant, in my opinion, in the said circumstances the appellant deserves to be released on bail.



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-P.O, Children's Court, Begusarai in connection with J.J.C.P. Case No.27 of 2022, arising out of Ballia P.S. Case No.416 of 2021 on the following conditions:

(I) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(II) If the appellant tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(III) The appellant's father and husband of his sister shall be bailors, who shall file their written undertaking before the trial Court to take care of the appellant after his release from the remand home during trial of the appellant.

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

(Shailendra Singh, J)

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