

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.844 of 2023**

Arising Out of PS. Case No.-116 Year-2021 Thana- SIKRAUL District- Buxar

Mehadi Hasan @ Antim Ansari ,S/O Sadaruddin Ansari, Resident of Village-
Belaw, P.S.- Sikraul, District- Buxar. (Under the Guardianship of Jakir Ansari,
Elder Brother).

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Anand Kumar Ojha, Advocate
For the Respondent/s : Mr.Zeyaul Hoda, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

4 12-09-2023 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 26.11.2022 passed by learned A.D.J.
1st -cum- Special Judge (SC/ST & Children Court) Buxar, in
connection with Child Case No. 06 of 2022 (CIS Cri. Case No.
09 of 2022), J.J.B. Case No. 550 of 2022 (678 of 2021), arising
out of Sikraul P.S. Case No. 116 of 2021 registered for the
offence/s punishable under Sections 302, 201 and 120(B) of the
Indian Penal Code, 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 initially in respect of death of the victim the father of the victim lodged U.D. Case No. 06 of 2021 vide Annexure-2 and after five days the FIR was lodged mainly on suspicion and during investigation, no witness claimed to have seen the alleged occurrence and in respect of appellant's involvement in the alleged crime, the prosecution mainly relied upon his own confessional statement but the factum of causing stab injury to the victim by this appellant as he revealed in his confessional statement does not get corroboration from the nature of external injuries found on the body of the victim as discussed in his postmortem report. Further submissions are that the appellant, who has been declared juvenile has been languishing in protective custody in remand home since 14.09.2021 and his age was 16 years and 6 months on the alleged date of occurrence and his other family members father and brother who have also been made accused in the present matter, have been granted bail by co-ordinate bench of this court vide order passed in Cri. Misc. 68430 of 2021 and the appellant has fair and clean antecedent.

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

5. Considering the above submissions as well as social investigation report concerned to the appellant and also, the relevant materials appearing from the case diary in respect of



the nature of allegation and also taking into account the protective custody period of the appellant which has been about two years since 14.09.2021 which is sufficient to keep him under observation at remand home and there are several major family members in the family of the appellant and as per the statement made in paragraph no. 10 of the memo of appeal, the appellant's brother who is a deponent in the present appeal is ready to take care of the appellant, in my opinion, in the said circumstances the appellant deserves to the privilege of 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 A.D.J. 1st -cum-Special Judge (SC/ST & Children Court) Buxar, in connection with Child Case No. 06 of 2022 (CIS Cri. Case No. 09 of 2022), J.J.B. Case No. 550 of 2022 (678 of 2021), arising out of Sikraul P.S. Case No. 116 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 brother and mother 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.

(IV) The learned trial court is directed to call for a report regarding the conduct of the appellant from the Probation Officer after the gap of every six months, if any wrong to the conduct of the appellant is found then learned trial court shall take serious action against the appellant by canceling his bail bond.

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

(Shailendra Singh, J)

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