

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1342 of 2023**

Arising Out of PS. Case No.-255 Year-2019 Thana- GURUA District- Gaya

RAHUL KUMAR Son of Sohan Paswan Resident of village-Usewa, Police Station-Gurua, District-Gaya, under the guardianship of his mother namely Dhanmanti Devi, aged about-44 years, wife of Sohan Paswan, resident of village-Usewa (Abgilla), Police Station-Gurua, District-Gaya

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Manish Kumar No2

For the Respondent/s : Mr.Anand Mohan Prasad Mehta

**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT**

Date : 25-07-2023

Heard the parties.

This is an appeal under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 against refusal of the prayer for bail to the appellant by order dated 10.01.2023 passed by the Special Judge, Children Court, Gaya in connection with Juvenile Trial No. 11 of 2022 arising out of Gurua P.S. Case No. 255 of 2019.

The impugned order mentions that the appellant committed the offence intentionally, knowing the consequences of his act. The offence alleged against the appellant is heinous in nature and the release of the appellant would defeat the ends of justice.



Submission of learned counsel for the appellant is that the Court below has failed to appreciate that the appellant is own grand-son of the deceased & the informant and no proper motive is alleged against the appellant.

The report of the probation officer mentions that the occurrence took place due to admitted land dispute between the family members of the appellant.

Having considered the submissions advanced on behalf of the parties and the materials available on record, this Court is inclined to grant the privilege of bail to the appellant. Accordingly, the appellant, above named, be enlarged on bail on execution of surety bond by the mother of the appellant giving undertaking that she will keep proper care and upkeep of the appellant and will fully co-operate in the pending enquiry/trial.

The appeal stands disposed of.

(Arvind Srivastava, J)

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CAV DATE	
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