

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2206 of 2023**

Arising Out of PS. Case No.-740 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

=====

XXXX SON OF JAGDISH SAHANI UNDER THE GUARDIANSHIP OF
HIS FATHER, NAMELY JAGDISH SAHNI, S/O LATE MADHURI
SAHANI, RESIDENT OF VILLAGE- BHATAHA, PS- MOTIHARI
MUFFASIL, DISTT- EAST CHAMPARAN

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh, Advocate

For the Respondent/s : Mr. Bal Mukund Prasad Sinha, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

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

2. The instant Appeal has been preferred under
Section 101(5) of Juvenile Justice (Care and Protection of
Children) Act, against the order dated 28.02.2023 passed by the
Court of learned Additional Sessions Judge- 1st-Cum-Special
Judge, Children's Court, East Champaran at Motihari, in
Children's Trial No. 05 of 2019 arising out of Motihari Mufassil
P.S. Case No. 740 of 2018 registered for the offences punishable
under Sections 147, 148, 149, 323, 307, 447 and 504 of the
Indian Penal Code and Section 27 of the Arms Act and later on
Section 302 of IPC has been added, whereby the prayer for bail



made by the appellant has been rejected.

3. In respect of prayer for bail made by the appellant under Juvenile Justice (Care and Protection of Children) Act, it is submitted by learned counsel for the appellant that though against the appellant, there are criminal antecedent of 12 cases but he has got bail in all the said cases and in the present matter he has been languishing in jail since 14.12.2018 and he has been declared juvenile by the Juvenile Justice Board on 19.11.2019 and the order impugned rejecting his prayer, has been wrongly passed.

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

5. Heard both the sides, perused the Order Impugned, FIR and Social Investigation Report concerned to the appellant. The appellant is accused in 12 cases apart from the present case and against him, there is allegation of having caused gun shot injury to the uncle of the informant and the Social Investigation Report goes to show that the appellant is in the effect of other persons of criminal background and he is stated to be an addict of several social evils also and the Child Welfare Police Officer who has given the Social Investigation Report, shows an apprehension against the appellant that he may commit an



offence again if he is released from the custody. Considering these facts, in my opinion, the appellant does not deserve to be released. Accordingly, I find no force in the present appeal and the order impugned has been rightly passed.

6. The Trial Court is directed to expedite and conclude the trial of the appellant in the next four months, if the appellant's trial is not concluded within the said period then the appellant may renew his prayer for bail.

7. In the result, the instant appeal stands dismissed.

(Shailendra Singh, J)

Maynaz/-

U		T	
---	--	---	--

