

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2284 of 2023**

Arising Out of PS. Case No.-116 Year-2020 Thana- KALUAHI District- Madhubani

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VIJAY KUMAR SAHNI S/O SHIVJI SAHNI Resident of Village- Malmal,
P.S.- Kaluahi, District-Madhubani, under the Guardianship of Seeta Devi,
Grandmother of the Appellant

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Jitendra Kumar Bharti, Adv.

For the Respondent/s : Mr. Zeyaul Hoda, APP

Mr. Bimal Kumar, Adv.

Mr. Shailesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

Date : 17-08-2023

1. Heard the parties.

2. 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 18.08.2020 passed by the Additional Sessions Judge-cum-Children Court, Madhubani in connection with E.N. No. 1059 of 2022 arising out of Kaluahi P.S. Case No. 116 of 2020.

3. Learned counsel for the appellant submits that appellant has been implicated in the present case merely on suspicion and the fact that the dead body was recovered from the house of the relative of the appellant. The appellant did not



live in the said house. It is further submitted that the appellant has been languishing in remand home since 30.08.2020.

4. Learned counsel appearing for the State opposes the prayer for bail of the appellant and submits that the Court below after considering all the materials available on record has rejected the prayer for bail of the appellant by a reasoned order. The order of the Court below mentions that the allegation against the appellant is heinous in nature. In the paragraph 124 of the case diary, the appellant himself accepted his involvement in the alleged occurrence.

5. Vide order dated 04.07.2023, the probation report with respect to the appellant was called for which has been received. From perusal of the aforesaid report, it appears that the Probation Officer has suggested that the situation of the village of the appellant is stressful because of alleged occurrence due to which the life of the appellant may be in danger. The Probation Officer has suggested for keeping him in special home for his counseling and overall development.

6. Considering the submissions advanced on behalf of the parties, the materials available on record especially the report of the Probation Officer, this Court is not inclined to grant the privilege of bail to the appellant. The prayer for bail of



the appellant is, accordingly, rejected.

7. The appeal stands dismissed.

(Arvind Srivastava, J)

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