

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3016 of 2022**

Arising Out of PS. Case No.-93 Year-2021 Thana- SATHI District- West Champaran

RANJAN KUMAR S/o Thag Yadav R/o Village - Basantpur, P.S.- Sathi,
Distt.- West Champaran.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Akhileshwar Kumar Shrivastva
For the State	:	Ms.Abha Singh
For the Informant	:	Mr.Deovind Kr. Singh
	:	Mr.Utpal Kant

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 13-02-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned A.P.P. for the State.

The present appeal has been filed against the order dated 25.07.2022 passed by learned Additional District and Sessions Judge-1st cum Special Judge (SC/ST), Bettiah, West Champaran passed in bail petition no.3199/2022 in connection with J.J.B. Case No. 754/2021 (arising out of Sathi P.S. Case No. 93/2021, for the offences under Sections 147, 148, 149, 341, 323, 447, 427, 307, 302, 504 of the Indian Penal Code and Section 27 of the Arms Act, whereby and whereunder, the prayer for bail of the appellant was rejected.

As per prosecution case, due to previous land dispute the appellant and others having variously armed formed an



unlawful assembly and started removing a mud house of Harendra Yadav and when protest was made, it is alleged that co-accused Manan Yadav fired on Vinod Yadav son of Parsuram Yadav causing injury on his leg. It is further alleged that co-accused Vinod Yadav, son of Bhagel Yadav fired on Amar Lal Yadav, which hit his ear causing injury to him. When the informant's father Rameshwar Yadav upon 'hulla' reached the place; it is alleged that co-accused Munna Yadav opened fire which hit his abdomen. It is further alleged that co-accused Lal Babu Yadav also opened fire on the family members of the informant. As the villagers started to assemble, the accused persons fled away from the place of occurrence. It is further alleged that informant's father and Vinod Yadav died on the way to the hospital.

Learned counsel for the appellant submits that appellant is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case due to land dispute. The appellant was produced before the Juvenile Justice Board, Bettiah, West Champaran and after enquiry, his age was assessed as 16 years 07 months and 25 days and on 14.03.2022 the appellant was declared as 'child in conflict with law' (i.e. juvenile) and his trial was transferred to the Children's



Court of learned Additional Sessions Judge-1st cum Special Judge (SC/ST), Bettiah, West Champaran. He further submits that there is no specific allegation of assault against the juvenile appellant who is just only member of mob and the parents of the appellant is ready to undertake that he would not come in the contact of bad element of the society. It is further submitted on behalf of the appellant that bail application of appellant was dismissed taking into consideration the seriousness of offence, which is contrary to the mandatory provisions of J.J. Act. It is next submitted that appellant has got clean antecedent which shows that the juvenile appellant is not in bad association and he is in Observation Home since 04.06.2021.

Learned counsel for the informant as well as learned A.P.P. for the State vehemently opposed the prayer of bail of the appellant.

As per the statute, the bail application of a child in conflict with law is not to be considered on the merit of the case or nature of allegation or gravity of the offence, rather in terms of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

In view of aforesaid facts and circumstances as well as position of law as stated above, order dated 25.07.2022



passed by learned Additional Sessions Judge-1st cum Special Judge (SC/ST)-cum-Special Court (Children), West Champaran at Bettiah in connection with bail petition no. 3199/2022 (arising out of Sathi P.S. Case No.93/2021(J.J. Board Case No. 754/2021) is hereby, set aside and the appeal is allowed.

Accordingly, the above-named appellant is directed to 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 learned Additional Sessions Judge-1st cum Special Court (Children), West Champaran at Bettiah in connection with bail petition no. 3199/2022 (arising out of Sathi P.S. Case No.93/2021(J.J. Board Case No. 754/2021), subject to condition that one of the bailors will be parents of the appellant and they would file an affidavit giving an undertaking to the effect that they will take care of good behaviour and child's (appellant's) well-being and will not allow him to go in the company of bad elements.

(Alok Kumar Pandey, J)

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