

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3099 of 2022

Arising Out of PS. Case No.-146 Year-2022 Thana- DUMRAO District- Buxar

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DADAN YADAV @ CHHOTU S/o Srinivas Yadav Under gurdianship of his
father namley Srinivas Yadav, R/o village- Khandra, P.S.- Simri, District-
Buxar

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Anand Kumar Ojha

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 25-04-2023 Heard the parties.

The present appeal is directed against the order dated 02.08.2022 passed by learned Addl. District & Sessions Judge – 1st-cum-Special Judge (SC/ST & Children Court), Buxar in Child Case No. 7/2022 arising out of Dumraon P.S. Case No. 146 of 2022 registered for the offences punishable under Section 394/302 of the I.P.C. and Section 27 of the Arms Act whereby and whereunder the prayer for regular bail on behalf of the appellant is rejected.

As per prosecution case, the informant and the Manager of petrol pump namely Manoj Paswan went to deposit cash of Rs. 5,14,000/- in Indian Bank. Then two



unknown miscreants started scuffling with Manoj Paswan and thereafter one of them shot at him and another miscreant snatched bag containing Rs. 5,14,000/- from his hand. The miscreants were three in number and one of them was sitting at the motorcycle.

Learned counsel for the appellant submits that the appellant is in custody since 26.03.2022 and he bears no criminal antecedent. appellant is not named in the F.I.R. His name has been surfaced in the case on the basis of confessional statement of co-accused Umesh Singh on account of enmity and the statement of co-accused has no meaning at all as per the provisions of law. Except confessional statement of co-accused and self-confessional statement of the appellant, there is nothing on record to demonstrate the present appellant with the alleged occurrence. The appellant has been declared juvenile on 21.04.2022 by Juvenile Justice Board on the basis of matriculation marks-sheet. No T.I.P. has been made in the present case. Learned counsel further submits that guardian of the appellant is ready to provide proper care so that the child would not be in association of bad elements in future.



Learned A.P.P. vehemently opposes the prayer for bail of the appellant.

As per 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 02.08.2022 passed by learned Addl. District & Sessions Judge – 1st-cum-Special Judge (SC/ST & Children Court), Buxar in Child Case No. 7/2022 arising out of Dumraon P.S. Case No. 146 of 2022 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge – 1st-cum-Special Judge (SC/ST & Children Court), Buxar in Child Case No. 7/2022 arising out of Dumraon P.S. Case No. 146 of 2022 subject to the



condition that one of the bailor will be father/maternal uncle of the appellant and he (father/maternal uncle) would file an affidavit giving an undertaking to the effect that he will take proper care of good behavior and appellant's well being and will not allow him to go in the company of bad elements.

Accordingly, appeal stands disposed of.

(Alok Kumar Pandey, J)

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