

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3630 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- RAJEPUR District- East Champaran

AMIT CHANDRA @ SUNNY @ AMIT KUMAR Son of Chandeshwar Yadav Resident of Village- Paigambarpur, P.S.- Shiwaipatti, District- Muzaffarpur Through Chandeshwar Yadav @ Chandeshwar Prasad aged about 50 years, Son of Kishori Rai, Under Natural Guardianship, Resident of Village- Paigambarpur, P.S.- Shiwaipatti, District - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Ms. Kumari Sujata Sinha, Adv.
For the Respondent/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

10 28-08-2023 1. Heard learned counsel for the Appellant and learned APP for the State.

2. The instant appeal has been preferred against the order dated 08.09.2022 passed by the Court of learned 1st Addl. Sessions Judge-cum-Spl. Judge, Children's Court, East Champaran, Motihari in Children Trial No. 16 of 2022 arising out of Rajepur P.S. Case No. 30 of 2022 registered for the offence(s) punishable under Section(s) 363, 366(A), 120(B)/34 of the Indian Penal Code and later on Section 302 of IPC was added.

3. In respect of prayer for bail made by the appellant under Section 101(5) of Juvenile Justice Act, it is submitted by



learned counsel for the appellant that the appellant is quite a different person from the one detailed in the FIR as his father's name is quite different from the accused No. 1 mentioned as Amit Kumar, son of Anil Ray in the FIR, during investigation the appellant's name surfaced in the alleged crime in the confessional statement of the co-accused and except this there is no material against him and he has been languishing in Observation Home since 23.03.2022. It is further submitted that learned Children's Court rejected the appellant's prayer on mainly considering the facts that as per Social Investigation Report (S.I.R.) the appellant and other co-accused persons, who are older than him, have been named in the FIR and the appellant is under the influence of said co-accused persons and after his release he may be used by the said co-accused persons again but the said ground is not proper to reject the appellant's prayer for bail. It is further submitted that the appellant has fair and clean antecedent and two co-accused persons namely, Ajay Rai and Vikash Kumar, who are also named in the FIR, have been granted bail by a co-ordinate Bench of this Court vide joint order passed in Cr. Misc. Nos. 41340 of 2022 and 43013 of 2022 and petitioner's trial is running before the Children's Court which deemed him mentally and physically fit person as being



capable to know the consequences of the alleged offence, hence his case appears to be identical to the co-accused persons who are on bail and moreover there is no evidence against him, except the confessional statement of the co-accused person.

4. Learned APP appearing for the State has opposed the prayer for bail and submitted that appellant's prayer for bail has been rightly rejected by the Trial Court and the order impugned has been rightly passed and there is no force in the appeal and the same is liable to be dismissed.

5. Considering the above submissions and mainly the period of custody undergone by the appellant in the Observation Home till date as well as keeping in view the evidences appearing against the appellant upon which the prosecution has mainly relied and also taking into account the Social Investigation Report and appellant's fair and clean antecedent and the fact that in the house of the appellant there is his father who has become deponent in the instant petition, in my opinion, in the said circumstances the appellant deserves to be released on bail. Accordingly, let the appellant named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Spl. Judge, Children's



Court, East Champaran, Motihari in Children Trial No. 16 of 2022 arising out of Rajepur P.S. Case No. 30 of 2022.

6. In the result, the instant appeal stands allowed and the order impugned is hereby set aside.

(Shailendra Singh, J.)

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