

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3793 of 2022**

Arising Out of PS. Case No.-706 Year-2019 Thana- AHİYAPUR District- Muzaffarpur

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DHARMENDRA KUMAR @ MORABBA Son of Late Shivjee Prasad Gupta
R/O Village- Ambedkar Colony, Sahbajpur, P.S- Ahiyapur, District-
Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar @ S.K., Adv.
For the Respondent/s : Mr. A.M.P. Mehta, APP.

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT**

Date : 16-01-2023

Learned counsel Mr. Sanjay Kumar @ S.K. appearing
for the appellant and learned APP Mr. A.M.P. Mehta appearing for
the State are present and they are heard on the merit of this appeal.

The appellant has preferred this appeal against the order
dated 20/07/2022 passed by the learned Additional District &
Sessions Judge-I, Muzaffarpur by which the prayer for bail made
by the appellant in connection with Ahiyapur P.S. Case No.
706/2019 has been rejected.

It is submitted by the learned counsel for the appellant
that though against the appellant altogether eight criminal cases
including the instant matter are running but most of these cases
were lodged at the instance of one police personnel with whom the
appellant has no good relation and the appellant has been declared

as juvenile and he has got bail in six cases shown as his criminal antecedents and in the instant matter he has been languishing in remand home since 04.06.2020 and against him there is no any legal evidence in respect of the alleged offences. Further submission is that while rejecting the prayer for bail made by the appellant the learned trial Court passed the order impugned in mechanical manner without taking into consideration the spirit of the Juvenile Justice Act.

Learned APP has opposed the prayer for bail made by the appellant.

Heard both the sides and perused the order impugned and the Social Investigation Report submitted by the Probation Officer. Admittedly, altogether eight cases including the present one are running against the appellant and the instant matter relates to the offence of loot and murder and the father of the appellant is no more. Considering the past criminal antecedents of several cases being running against the appellant, this Court is of the opinion that the appellant's release from the Remand Home may bring him in association with other criminals and his release will also expose him to moral danger and therefore the order impugned appears to be proper hence, there is no need to interfere with the order impugned and accordingly the instant appeal stands rejected.

The Trial Court is directed to expedite the trial of the appellant and take steps to conclude the same in the next six months, if the trial of the appellant is not concluded within the said period then the appellant may renew his bail prayer before the trial Court which will be decided on merit without being prejudiced with this judgment.

(Shailendra Singh, J)

annu/-

AFR/NAFR	NAFR
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