

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.74 of 2023

Arising Out of PS. Case No.-236 Year-2019 Thana- RAJAPAKAR District- Vaishali

XXXXX, Son Of XXXXX, Resident Of Village- Gaushpur Bariyarpur, P.S.-
Rajapakar, District- Vaishali, Through his Mother and Natural Guardian
Rinku Devi, Aged About 38 Years (Female)

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Binod Kumar, Advocate Mr. Amar Kumar Singh, Advocate
For the Respondent/s	:	Mr. Bipin Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 12-10-2023 1. Heard learned counsel for the appellant and
learned APP for the State.

2. The instant appeal has been filed under Section
101(5) of Juvenile Justice (Care and Protection of Children)
Act, against the order dated 27.06.2022 passed by learned
Additional Sessions Judge-1st-cum- Children Court, Vaishali at
Hajipur in connection with Rajapakar P.S. Case No. 236 of
2019 registered for the offence(s) punishable under Section(s)
302, 120(B) of the Indian Penal Code, whereby the prayer for
bail made by the appellant has been rejected.

3. The main submissions advanced by learned
counsel for the appellant are that the appellant has been
declared juvenile by order dated 22.02.2022 passed by the



Juvenile Justice Board, Vaishali at Hajipur and at the time of alleged occurrence the appellant's age was 17 years 5 months and 28 days and there is no specific allegation against him and the informant alleged that he saw the appellant along with other co-accused persons in fleeing position near the place of occurrence merely on that basis the appellant has been dragged into the present matter and other co-accused persons have been granted bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 1364 of 2022 and the Social Investigation Report is not against the appellant. Further submission is that as per Social Investigation Report, the appellant has enrolled himself in 10 +2 course (Senior Secondary) in R.R. College, Khoksha, Desri and there are several major family members of the appellant who are ready to take care of the appellant after his release from the remand home.

4. Learned APP appearing for the State has opposed the prayer for bail of the appellant.

5. Considering the above submissions and the fact, that the appellant has been undergoing in protective custody since 07.09.2021 and the same is sufficient to keep him under observation and there are several major family members in his family and appellant has enrolled himself in 10 +2 course



(Senior Secondary) in the above-said College and keeping him in remand home continuously will hamper his educational career, in my opinion, in the said circumstances, the appellant deserves to be released from the remand home. Accordingly, let the appellant named-above 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 the learned Additional Sessions Judge-1st-cum- Children Court, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 236 of 2019 on the following conditions:

(i) One of the bailors will be mother of the appellant, who shall file her undertaking before the trial court at the time of furnishing bail bond to this effect that she will take care of the appellant after his release from the remand home during the trial period.

(ii) Learned trial court shall call for progress report from the concerned regarding the development of the appellant particularly with regard to his educational development after a gap of every six months during the period of trial and if any adverse to the development of the appellant or appellant's further involvement in any criminal



activity is found then the trial court shall take serious action against the appellant by taking him into custody.

(ii) If the appellant affects or prejudices any witness of the prosecution or any evidence concerned to the alleged offence during his trial then also the trial court shall take serious action against the appellant by taking him into custody.

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

(Shailendra Singh, J)

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