

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.13 of 2023

Arising Out of PS. Case No.-1266 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

XXXXXXXX S/O LATE SHIVJEE PRASAD GUPTA Through his mother who is his natural guardian, namely, Chandrawati Devi, R/v- Ambedkar Colony, Sahbajpur, P.S.- Ahiyapur, District- Muzaffarpur

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar @ S.K.

For the Respondent/s : Mr.Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 20-07-2023 1. Heard learned counsel for the appellant and learned APP for the State.

2. The present appeal has been filed against the order dated 16.11.2022 passed by learned 1st Addl. Sessions Judge, Muzaffarpur, whereby and whereunder the prayer for regular bail on behalf of the appellant in connection with Ahiyapur P.S. Case No. 1266 of 2019 registered for the offences punishable under Sections 302/34 of the Indian Penal Code was rejected.

3. As per prosecution case, appellant and other accused persons were calling the informant's son (deceased) since last 2-3 days but his son was not going and when his son was returning after delivering food to the informant, the appellant and other F.I.R. named accused persons have shot him



dead.

4. Learned counsel for the appellant submits that juvenile is in custody since 06.03.2020 and bears eight criminal antecedents. Entire allegation against the appellant is false and fabricated. There is general and omnibus allegation against the appellant. No specific overt-act has been assigned against the appellant. There is no eye witness to the alleged occurrence. No incriminating article has been recovered from the appellant-jvenile.

5. Learned A.P.P. for the State vehemently opposes the prayer for bail of the juvenile-appellant and submits that appellant bears series of criminal antecedent and social investigation report submitted by the Probation officer states that appellant is of furious behavior and postmortem report of the deceased indicates several bullet injuries.

6. On bare perusal of provision of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, it appears that Juvenile in conflict with law shall be released on bail unless there appears reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of



justice.

7. Considering the facts and circumstances of the case, nature of allegation levelled against the appellant, materials available on record and the finding of the learned Court below as also the submissions advanced on behalf of the parties, this Court does not find any error in the order of the Court below. Accordingly, this appeal is **dismissed**.

8. Learned trial court is directed to expedite the case as early as possible.

(Alok Kumar Pandey, J)

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