

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.99 of 2019

Arising Out of PS. Case No.-434 Year-2014 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rudre Narayan Singh @ Rudal Singh, S/o Late Bihsundeo Singh Resident of
Village-Bari Aghu, P.S. Muffasil, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vishal Kumar, S/o Ranjan Singh, Resident of Village- Bari Aghu, P.S.
Muffasil, District Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra
For the Opposite Party No. 2 : Mr. Sandip Kumar Gautam
For the Respondent/s : Mr .Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

6 24-01-2024 1. One Vishal Kumar has been arraigned as an
accused in connection with Begusarai Muffasil P. S. Case No.
434 of 2014.

2. The petitioner prayed for granting bail before this
Court in Cr. Misc. No. 18520 of 2018. The said Miscellaneous
Case was disposed of by a Co-ordinate Bench of this Court
rejecting the prayer for bail of the petitioner. Subsequently, the



petitioner, who is Opposite Party No. 2 herein, filed an application stating, *inter alia*, that at the time of commission of offence, he was a juvenile. The Juvenile Justice Board made an inquiry in accordance with Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and came to a finding that the Opposite Party No. 2 was a juvenile at the time of commission of offence. On the ground of juvenility, the Opposite Party No. 2 made an application for bail before the Juvenile Justice Board. However, his prayer for bail was rejected on the ground that Hon'ble High Court rejected his prayer for bail *vide* order dated 3rd of May, 2018. The Opposite Party No. 2 filed an appeal being Criminal Appeal No. 60 of 2018 before the learned Additional Sessions Judge – 1, Begusarai, assailing the order of rejection of bail, passed by the Board.

3. This Court fails to understand under what provision the appeal was registered and entertained by the learned Additional Sessions Judge. If a bail is refused by the Trial Court, the accused could have filed an application under Section 439 of the Cr.P.C., praying for bail before the learned Sessions Judge or the High Court.

4. However, in Criminal Appeal No. 60 of 2018, bail



was granted to the accused.

5. The de facto complainant / informant has filed the instant revision, assailing the order passed in Criminal Appeal No. 60 of 2018.

6. It is submitted by the learned Advocate for the petitioner that in view of the order passed by this Court rejecting the prayer for bail, no subordinate court can pass any such order granting bail to the accused.

7. Having heard the learned Advocates for the petitioner and the Opposite Party No. 2, this Court finds that Criminal Appeal No. 60 of 2018 is not maintainable under law because an order of rejection or granting bail is not an appealable order and there is no provision under the Cr.P.C. to file a case against the order rejecting the application for bail. If the de facto complainant wants, he could have filed an application under Section 439(2) of the Cr.P.C. before the learned Sessions Judge or before the High Court for cancellation of bail of the accused.

8. In view of such circumstances, the impugned order cannot sustain, because the same is passed in appeal.

9. It is made clear that I have not gone through the merit of the case.

10. The petitioner is at liberty to file an application



under Section 439(2) of the Cr.P.C. before the competent Court
for appropriate relief.

11. With the above observation / direction, the instant
revision is dismissed.

(Bibek Chaudhuri, J)

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