

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.430 of 2024

Arising Out of PS. Case No.-33 Year-2023 Thana- SAKRI District- Madhubani

xxxxxx SON OF xxxx R/O-SIBOTTAR DAS TOLA, P.S.-SAKRI, DISTT.-
MADHUBANI THROUGH HIS MOTHER AND NATURAL GUARDIAN
NAMELY xxxxxx, AGED ABOUT 36 YEARS (FEMALE), WIFE OF xxxx,
R/O-SIBOTTAR DAS TOLA, P.S.-SAKRI, DISTT.-MADHUBANI

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs.Vaishnavi Singh, Adv.
For the State : Mr.Anand Mohan Prasad Mehta, APP
For the Informant : Mr. Abhishek Anand, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 15-04-2024

1. Heard the parties.

2. The instant appeal has been filed under Section 101(5) of Juvenile Justice (Care and Protection of Children) Act, 2015 against the order dated 07.12.2023 passed by learned Additional Sessions Judge 1st-cum-Children Court, Madhubani in connection with E.N. No. 1295/ 2023, arising out of Sakri P.S. Case No. 33 of 2023 registered for the offences punishable under Sections 302, 201 and 120B of the IPC whereby the prayer for bail made by the appellant has been rejected.

3. Mrs. Vaishnavi Singh, learned counsel for the appellant submits that the appellant has been declared juvenile and on the alleged date of occurrence, his age was 16 years, five



months and 11 days and presently he is being tried as a child in conflict with law in the Children Court. Learned counsel further submits that the learned trial court rejected the appellant's bail prayer on merit which is not proper and is against the spirit of Section 12 of Juvenile Justice Act and also, considered the inadmissible materials such as confessional statement etc. and the instant matter relates to the last company of the victim with the appellant and others. It is further submitted that the appellant has got no criminal antecedent and there are major family members in the family of the appellant and the mother of the appellant is ready to take care of the appellant after his release and he has spent more than one year in remand home as he has been languishing in remand home since 14.03.2023.

4. Mr. Abhishek Ananad, learned counsel for the informant vehemently opposed this appeal and submitted that Social Investigation Report is against the appellant and the same shows that there is tense atmosphere in the village of the appellant on account of commission of the alleged occurrence and in this regard, observation made by the Probation Officer in the Social Investigation Report may be perused.

5. Heard both sides and perused the order impugned, case diary and Social Investigation Report concerned to the



appellant.

6. The appellant has spent more than one year in remand home and the prosecution has not brought any material to show the appellant's ill-treatment or wrong behaviour during the said period in the remand home and the said period appears to be sufficient protective custody and there are major family members in the family of the appellant who are, as per above submission, ready to take care of the appellant and there is no direct allegation against the appellant and the trial of the appellant is at initial stage, in my opinion, the appellant deserves to be released on bail. 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, Madhubani in connection with E.N. No. 1295/2023, arising out of Sakri P.S. Case No. 33 of 2023 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.

(iii) 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)

BKS/-

U		T	
---	--	---	--

