

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.810 of 2024

Arising Out of PS. Case No.-588 Year-2023 Thana- BETTIAH CITY District- West
Champaran

Md. Ibrar @ Ibrar Ahmad Son of Israr Ahmad @ Mistar Resident of Village-
Chhawani Ward no.05, P.S.- Bettiah Town (Kalibag O.P.), District- West
Champaran through his legal guardian and father Israr Ahmad @ Mistar,
made, aged about 55 years, son of Rafik Miyan, resident of Chawani ward
no.05, P.S.- Bettiah Town (kalibag O.P.), District- West Champaran

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 1036 of 2024

Arising Out of PS. Case No.-588 Year-2023 Thana- BETTIAH CITY District- West
Champaran

RIZWAN @ MD. RIZWAN @ M.R. SON OF ASLAM MIYA @ MD.
ASLAM R/O-MEHADIYAWARI, P.S.-BETTIAH MUFASIL, DISTT.-WEST
CHAMPARAN

... .. Appellant/s

Versus

The State of Bihar BIHAR

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 810 of 2024)
For the Appellant/s : Mr.Anuj Kumar
Mr.Ansul
Mr.Adity Pandey
For the Respondent/s : Mr.Syed Ashfaque Ahmad
For the Informant : Mr.Anant Kumar Mishra
(In CRIMINAL APPEAL (SJ) No. 1036 of 2024)
For the Appellant/s : Mr.Arbind Kumar Singh
For the Respondent/s : Mr.Ramchandra Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 15-05-2024 Heard learned counsel for the appellants and learned
APP for the State assisted by the learned counsel for the informant.

2. These criminal appeals have been preferred against
the order dated 16.01.2024 passed by learned Additional Sessions
Judge- 1st, Bettiah at West Champaran, Spl. Child No. 24 of 2023
arising out of Bettiah Town (Kalibag O.P.) P.S. Case No. 588 of



2023 registered for the offences under Sections 341, 342, 324, 307, 323, 379, 302, 506, 109 and 34 of the IPC whereby the learned court below has rejected the prayer for regular bail of the appellants.

3. The appellants have been declared juvenile. The specific allegation against the appellant in Criminal Appeal (SJ) No. 1036 of 2024 is that he inflicted knife blows on the person of the deceased. Allegedly, the appellant in Criminal Appeal (SJ) No. 810 of 2024 had caught hold of the deceased.

4. Learned counsel for the appellants submits that admittedly, the appellants are juvenile as per Section 12 of Juvenile Justice (Care and Protection) Act, 2012. At the time of consideration of bail application of a juvenile, gravity of the offence cannot be looked into. They submitted further that in Social Investigation Report, nothing came adverse against the appellants. There is no possibility of moral, physical or psychological danger to the appellants if they are released on bail. There is also no probability of coming the appellants in association with any other criminal.

5. On the other hand, the learned APP for the State assisted by the learned counsel for the informant has opposed the prayer for bail.

6. Considering the above-mentioned facts and



circumstances especially the fact that nothing adverse has been mentioned in Social Investigation Report, this criminal appeal is allowed and the order dated 16.01.2024 passed by the learned Additional Sessions Judge- 1st, Bettiah at West Champaran, Spl. Child No. 24 of 2023 arising out of Bettiah Town (Kalibag O.P.) P.S. Case No. 588 of 2023 is set aside.

7. Let the appellants, who have already been declared juvenile by the learned Juvenile Justice Board, be released in favour of their respective parents on execution of surety bond of Rs. 10,000/- (ten thousand) to the satisfaction of learned Additional Sessions Judge- 1st, Bettiah at West Champaran, Spl. Child No. 24 of 2023 arising out of Bettiah Town (Kalibag O.P.) P.S. Case No. 588 of 2023 with the condition that the father of appellants (in both cases), shall furnish an undertaking that after release on bail, they will not allow the appellants to come in company/association with any criminal or anti social elements and they will take proper care of the appellants. Further, the appellants will be produced as and when required by the court below and shall cooperate during the trial.

(Nawneet Kumar Pandey, J)

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